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SOLICITORS' JOURNAL

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CURRENT TOPICS

The Finance Bill

LAST Tuesday the Commons gave an unopposed second reading to the Finance Bill, just one week after the publication of that somewhat formidable document consisting of seventy-three clauses and seven Schedules. Not surprisingly the CHANCELLOR OF THE EXCHEQUER devoted a fair proportion of his speech to explaining and seeking to justify the clauses designed to check such tax avoidance devices as dividend stripping and bond washing. In particular he dealt with cl. 26 which enables the Revenue, subject to a new form of appeal to be introduced, to deprive an interested person of tax advantages from certain transactions in securities unless that person can show that the transactions were carried out "either for bona fide commercial reasons or in the ordinary course of making or managing investments, and that none of them had as their main object, or one of their main objects, to enable tax advantages to be obtained." The Chancellor made out as strong a case as he could for the introduction of such a revolutionary measure. He has a duty to safeguard the Revenue and by so doing to assist the great majority of taxpayers who do not undertake tax avoidance on a large scale. Nevertheless, it is difficult to accept the principle being introduced by cl. 26. It would be preferable for the Treasury to be given powers to make statutory instruments to deal with tax avoidance; appropriate orders should be laid before Parliament as and when required with immediate effect but requiring affirmative resolution as a condition of continuance. The knowledge that such orders could be made would render novel tax avoidance schemes less sure of success as the present "free run" between Budget speeches would be removed. If cl. 26 be enacted in its present form there is a serious risk that it will in the future be used as a precedent for introducing a similar measure of general application. Such a measure could have undesirable and far-reaching consequences. For instance, the draftsman of a settlement might be forced to omit certain legitimate but minor tax-saving clauses for fear that their inclusion would brand the whole transaction as a tax avoidance operation, and thus lose any incidental major tax advantage flowing from the making of the settlement in question. We welcome the Government's attempt to reshape the tax penalty code in Pt. III of the Bill. These and other features of the Finance Bill will, however, be fully considered in articles that we shall be publishing before long.

Hire-Purchase Controls

IN pursuance of his anti-inflationary policy the CHANCELLOR OF THE EXCHEQUER announced last week, first, the calling in by the Bank of England by 15th June of "special

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deposits" from the London Clearing and Scottish banks which involves a transfer of some cash resources and, secondly, the re-imposition of hire-purchase controls on consumer goods. In most cases the latter involves a minimum deposit payment of 20 per cent. of the cash price with a maximum period of repayment of two years. Commodities so affected include cars, radio and television sets, gramophones, cameras, washing machines and other household appliances. For certain items such as furniture, watches and bicycles a minimum deposit payment of 10 per cent. will be required with a repayment period of two years; this lower deposit rate and a repayment period of four years is prescribed for such goods as wash boilers, cookers and water-heating appliances. The relevant orders, which came into force last Friday, were made by reference to the Defence (General) Regulations, 1939, under the general heading of "Emergency." They are the Hire Purchase and Credit Sale Agreements (Control) Order, 1960 (S.I. 1960 No. 762), which imposes control on the disposal and possession of goods under hire-purchase and credit sale agreements, the Control of Hiring Order, 1960 (S.I. 1960 No. 763), imposing control on the disposal and possession of goods under hiring agreements, and the Control of Hiring (Rebates) Order, 1960 (S.I. 1960 No. 764), prohibiting the disposal and possession of goods to which S.I. 1960 No. 762 applies, under hiring agreements entered into after 28th April, 1960, which provide for the making of certain payments.

Clearing the Court

SECTION 37 (1) of the Children and Young Persons Act, 1933, stipulates that: "Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness." In view of this statutory provision we were surprised to read that the Nottingham magistrates recently found that they had no power to order the court to be cleared while two twelve-year-old girls gave evidence against a man charged under the Vagrancy Act, 1824, with indecency. It appears that this decision was made because the clerk advised that, as the 1824 Act did not contain a provision similar to s. 37 (1) of the 1933 Act, the court had no power to order spectators to leave the public gallery. While we would not question the court's decision or the advice which gave rise to it, on the face of it, at least, it seems that s. 37 (1) of the 1933 Act is wide enough to include situations of this kind. That section applies to "any proceedings" in which a person is charged with "an offence against, or any conduct contrary to, decency or morality" in which a child or young person is called as a witness and we would have thought that a charge of indecency came within the expression "any proceedings" and that such a charge concerned an offence against "decency or morality." It is true that the learned editors of Clarke Hall and Morrison on Children suggest that the words "decency or morality" should not be too widely interpreted, but they believe that the expression should extend to offences against sexual morality or decency (ibid., 5th ed., p. 47). Of course, there is an inherent jurisdiction in every court to order the hearing of a case *in camera* if it is shown that the administration of justice would be rendered impracticable by the presence of the public: see, e.g., *Scott* v. *Scott* [1913] A.C. 417, and *R.* v. *Governor of Lewes Prison; ex parte Doyle* [1917] 2 K.B. 254.

Men of Straw

IN the course of his judgment in *Auten* v. *Rayner and Others* (1960), *The Times*, 29th April, GLYN-JONES, J., said that in the prosecution of the case against the defendants all the rigour of the law had been applied with pitiless efficiency—all paid for out of the legal aid fund and at grievous cost to the defendants in money and misery. His lordship did not criticise either the legal aid scheme as a whole or the committee for granting a certificate, but he could see no prospect that any of the defendants would recover a penny of the very great expense to which they had been put. Only a few days previously the SOLICITOR-GENERAL told the House of Commons that he could hold out no hope of legislation amending the legal aid scheme so as to enable successful unassisted parties to recover costs from the legal aid fund, and contended that the safeguard lay in the initial screening of the cases by the certifying committee. We do not agree that this is enough and this recent case is an outstanding example of the hardship which can be caused when the resources of legal aid are brought to bear on unassisted parties. Nor is it enough for the Solicitor-General to say that the problem of recovering costs from an impecunious litigant is inherent in our legal system. Legal aid has made the impecunious litigant legally wealthy. We consider it right that there should be some means of alleviating any resulting hardship, although we do not suggest that costs should automatically be ordered against the legal aid fund. We hope that the Government will reconsider the matter immediately.

Notice Regarding a "Protected Child"

WE understand that Blackpool Corporation have decided to take the uncommon course of prosecuting a man under the Adoption Act, 1958, for participating, without giving notice to the corporation, "in arrangements to place a child in the care of Blackpool residents, as a result of which the child has become a protected child within the meaning of the Act." Section 40 (1) of the 1958 Act requires that where arrangements are made for the placing of a child in the care and possession of any person and by reason of the arrangements the child would be a "protected child" while in the care and possession of that person, every person taking part in the arrangements must give written notice of the arrangements to the local authority for the area in which the person in whose care and possession the child is to be placed is living. However, such notice need not be given by the person in whose care and possession the child is to be placed nor by a parent or guardian of the child (ibid., s. 40 (2)). For these purposes the term "protected child" is defined in s. 37 of the 1958 Act and where, *inter alia*, "arrangements are made for placing a child below the upper limit of the compulsory school age in the care and possession of a person who is not a parent, guardian or relative of his, and another person, not being a parent or guardian of his, takes part in the arrangements," then while the child is in the care and possession of the person first mentioned, but is not a foster child within the meaning of Pt. I of the Children Act, 1958, he is a protected child within the meaning of the relevant provisions of the Adoption Act, 1958.

A COLLECTIVE OMBUDSMAN?

In this country there is a habit, almost amounting to an obsession, of sheltering behind committees of one type or another to justify action or inaction in any particular matter. Perhaps this practice derives from the useful and well entrenched doctrine of cabinet solidarity; from the peak of Government it flows down like cascades of infinite variety, sometimes imposing like a Royal Commission, sometimes localised like a departmental committee, and sometimes anti-climactic like a sub-committee of a committee of a parish council or women's institute. All sections of the British community observe the committee ritual, political organisations at national and local level, professional bodies, industry—employers and unions, educational establishments, religious denominations, animal lovers, noise haters, and so on. To ensure that the possible combinations and permutations shall never be exhausted, a system of joint committees flourishes with endless sub-committees stemming therefrom. Do we all not know the "professional" committee man or woman who is never so happy as when in solemn conclave assembled?

All this may explain why it was that Professor Stephan Hurwitz, the Ombudsman of Denmark, received much greater Press publicity upon his visit here last month than that accorded to the First Report of the Council on Tribunals for the year ended 31st December, 1959, which was published last week (H.M.S.O., 2s. 6d.). An individual catches the public imagination; he can be built up in the Press; an individual, whose function is to act as the public's knowledgeable and influential friend against the impersonal and impervious—sometimes almost to the point of tyranny—machinery of State, is little short of being a hero. He can act quickly. Whatever is to be said in favour of the committee system, speed of action is not one of its outstanding attributes.

The Council on Tribunals

The Council on Tribunals may be dismissed by many as "just another committee." It is desirable, however, that notice be taken of their activities, for here we have a body which could be adapted to act in a collective capacity as an ombudsman for this country.

The council were set up pursuant to s. 1 of the Tribunals and Inquiries Act, 1958, which measure in its turn was a result of the recommendations made by the Franks Committee on Administrative Tribunals and Enquiries which reported in July, 1957 (Cmnd. 218). The council consists of fourteen members under the chairmanship of the Marquess of Reading and has a Scottish committee. Section 1 of the 1958 Act authorises the payment of salaries to the chairmen of the council and Scottish committee and of certain fees, which can include travelling and subsistence expenses, to the other members. At their London office at 6 Spring Gardens, S.W.1, their secretariat consists of a secretary with the personal Civil Service rank of assistant solicitor, an executive officer, two shorthand-typists and a messenger.

One of the council's main functions is to keep under review the constitution and working of some 2,000 tribunals of one sort or another located throughout the country. Much of the council's report concerns this side of their work and describes the surveys made to ascertain the precise constitution and functions of the different categories of tribunal. There is under consideration the publication of some of the information obtained in the form of an official handbook on tribunals and such a publication should prove to be helpful to many, not least to solicitors. The report records that "extremely useful exchanges" of view have arisen from the personal contacts made between members of the council and members of individual tribunals.

Not surprisingly the council have found considerable anomalies in the remuneration of chairmen and members of tribunals. They have recommended a substantial increase in the remuneration of chairmen of rent tribunals and indicate the likelihood of further recommendations whilst at the same time paying tribute to the value of unpaid service which is readily given on many tribunals.

Procedural rules

Section 8 of the 1958 Act requires that the council be consulted before any procedural rules for certain tribunals are made or approved. During 1959 they were so consulted in respect of fifteen sets of procedural rules or regulations including those concerned with patents, trade marks, independent schools, industrial injuries, family allowances, Lands Tribunal, Performing Right Tribunal and pensions appeal tribunals. Two cases where the council intervened effectively may be mentioned. The one concerned the newly constituted tribunal of the adjudicator appointed under s. 13 of the National Insurance Act, 1959. The purpose of the draft regulations submitted to the council was to provide for the procedure for appeals and references from the registrar to the adjudicator on questions arising from the contracting-out provisions of the scheme of graduated contributions introduced by the 1959 Act. In connection with the time limit of one month for giving notice of appeal to the adjudicator against a decision of the registrar, the council's recommendation that it should be made clear that the period would not begin to run until the person concerned had been notified of both the registrar's decision and his reasons therefor was accepted and the regulations duly amended. The other effective intervention of the council to be noted concerns that part of the Draft Milk (Special Designation) Regulations containing rules of procedure for appeals to milk and dairies tribunals in cases concerning the special designation of milk under the Food and Drugs Act, 1955. Although the proposed rules provide for the tribunal's chairman to make a written report to the Minister of the tribunal's findings and reasons therefor, the draft contained no corresponding mandatory provision covering the Ministry's practice of sending a copy of the tribunal's report to the appellant. As a result of the council's observations the Ministry agreed to such a provision being included in the rules when they are made.

Reasons for decisions

Section 12 of the 1958 Act established the general rule that tribunals and Ministers must give reasons for their decisions. Exemption from this requirement may, however, be granted under subs. (4) of s. 12 by the Lord Chancellor and the Secretary of State for Scotland if, after consultation with the council, they consider this course expedient. During 1959 three classes of tribunal were submitted for the council's consideration under s. 12.

Exemption was recommended for the decisions of the Board of Referees in cases submitted to them by the Special Commissioners for determination under the Income Tax Act, 1952, s. 251, governing the summary procedure whereby companies against which action is contemplated under

company surtax legislation may submit that there is no prima facie case against them. A qualified recommendation for exemption was made in respect of the other decisions of the Revenue tribunals to which the appeal procedure by way of case stated applies. As a result of these recommendations the Revenue Tribunals Order, 1959 (S.I. 1959 No. 452), was made excluding from the operation of s. 12 (1) of the 1958 Act decisions of the Board of Referees and of the Income Tax Commissioners to which the appeal procedure by way of case stated under the Income Tax Act, 1952, applied, with the exception of Special Commissioners' decisions in cases in which a re-hearing by the Board of Referees may be required.

The council recommended that exemption from the requirement to give reasons for decisions should be granted neither to conscientious objectors local and appellate tribunals, nor in respect of cases decided by agricultural arbitrators and arbiters appointed otherwise than by agreement under the Agricultural Holdings Act, 1948, and the Agricultural Holdings (Scotland) Act, 1949, respectively. In both instances the council's recommendations were accepted.

Upon the subject of the duty of tribunals to furnish on request a statement of reasons for their decisions, the council observe that it is important that parties to proceedings before tribunals should be fully aware of their rights. The council obtained the impression that in some cases " and notably in Rent Tribunal cases in England and Wales the parties are frequently unaware of their right to ask for reasons."

Tribunals in action

The general impression of the council appears to be that tribunals are working satisfactorily. It seems not unlikely that the setting up of the council itself expedited improvement in those bodies which fell below the general level of competence. The location and conditions of some tribunals were considered not to be satisfactory. Some were inconveniently placed to meet local needs and in others the waiting rooms and other necessary facilities were inadequate or non-existent.

The council " welcome any steps that can be taken to make legal advice more readily available to applicants before tribunals." They recommend that " the relevant forms and leaflets concerning matters which might be the subject of a tribunal hearing should contain a notice drawing attention to the facilities provided by the Citizens' Advice Bureaux." We would respectfully suggest that the two points could be met together by arranging for any such notice also to explain clearly the facilities available for obtaining legal advice from solicitors. This is particularly important now that, as a result of action taken to meet recommendations made by the Franks Committee, legal representation is permitted before so many tribunals which previously were closed to lawyers. It is evident from the council's report that members of the public are not fully availing themselves of the opportunity of having legal representation before tribunals. This is a pity because, as the report remarks in another context, " many of those who appear before tribunals may be overawed or flustered by their surroundings."

Council's relations with Government departments

The council acknowledge that to be successful in their oversight of tribunals they are largely dependent on the co-operation of Government departments. Their requests for information from them have been promptly and willingly met. " On the whole " their criticisms or suggestions for improvements have been welcomed. The council received " amidst much that [was] irrelevant " some useful comments and complaints from the general public, and where necessary the assistance of Government departments was obtained in investigating complaints about the constitution or working of particular tribunals.

A plea is made, however, for a two-way traffic in such matters and the council consider that they should be informed by Government departments of any complaints received by them concerning the tribunals coming under the council's supervision.

Members of the council individually made many visits to tribunals during 1959. They point out, however, that in certain cases—notably certain bodies set up under the National Health Service Act, 1946, such as the tribunal, executive councils and their service committees—the existing rules of procedure designed to ensure the privacy of hearings are such that members of the council can only attend hearings on sufferance and not as of right. In a few other cases—in particular National Insurance local tribunals—the relevant rules in effect deprive the chairmen of these bodies of any discretion to invite a member of the council to be present at any discussion held in private by such a tribunal in order to arrive at a decision or to discuss a procedural matter. The council also consider that advice they give at a Minister's request, and the Minister's reaction to it, should be made public in a manner similar to that laid down by s. 77 (5) of the National Insurance Act, 1946, in regard to advice tendered by the National Insurance Advisory Committee.

All these suggestions appear to be most reasonable and consist of matters of detail no doubt overlooked during the passage through Parliament of the 1958 Act. It should not be difficult to arrange for appropriate amendments to be made to meet the points raised and it is certainly desirable that early action be taken to remedy the difficulties which exist.

Council's public relations

The council complain that there is still a good deal of misunderstanding and ignorance on the part of the general public about their functions and duties. A frequent misconception is that the council's purpose is to act as a court of appeal from decisions of tribunals; another false belief is that they have only been established on a temporary basis to supplement the task of the Franks Committee in reporting on the working of the system of tribunals and inquiries. The council state that they look to the public in large measure to inform them of matters requiring to be watched.

Much needs to be done if the council's existence and functions are to become better known to the public. Their first report should have made the headlines of the national Press in a big way. That it did not do so, we submit, was partly due to the fact that, so far as we are aware, the Press notice accompanying it contained virtually no more than an indication of the date and time of publication. The report itself, though a highly competent document, is not designed to engender enthusiasm. Future reports should contain case histories written in a lively and interesting style. Such an item as the following can hardly be expected to arouse public interest :—

> " *National Assistance Appeal Tribunals (Great Britain)*
>
> 102. We have received one complaint from a member of the public about the handling of his case by a particular tribunal. We are satisfied after investigation that in so far as it concerned the tribunal the complaint was largely based on a misconception and calls for no further action by the Council."

Council as collective ombudsman

As Dr. H. W. R. Wade, a member of the council, pointed out on 26th April in a discussion with Professor Hurwitz (the Danish Ombudsman), broadcast in the B.B.C.'s Third Programme, there is in this country a great contrast between the legal profession which believes in doing everything with full publicity and the public service which shelters behind the doctrine of Ministerial responsibility. From this it follows that ideally the council's secretariat should be outside the Civil Service. One of the Ombudsman's attractions is his independence of the usual channels of government administration. It should not be difficult for Parliament to arrange a special grant to be voted to cover the expenses of the council and their secretariat. This would not only make the council completely free of Whitehall, but would ensure their being seen to be independent, which would create confidence. It should be permissible for full publicity to be given to individual members of the secretariat (as well as of the council) in a way not possible or desirable in the case of most civil servants.

In Denmark the Ombudsman has a right of access to all State institutions and buildings including prisons and mental institutions. He may probe any official activity of civil servants whether or not such may at any time appropriately be brought before a tribunal. Professor Hurwitz is entitled to state publicly his opinion on a case and this will often be given prominence in newspapers. In addition, his views are recorded in his annual report to the Danish parliament.

If the Council on Tribunals are to develop into the equivalent of an ombudsman they should have powers comparable to those of Professor Hurwitz and, in particular, be empowered to call for files and papers from Government departments. These departments at Ministry level should be required to furnish the council with copies of complaints received from the public within, say, a month of their receipt, together with the department's comments thereon. No doubt, in due course, regional offices of the council would be required but the operation of Parkinson's law on multiplication of appointments must be avoided so that members of the public may have ready access to a senior official who is able to extend a personal and sympathetic touch. What, above all, must be resisted is the temptation to refer difficult cases from an individual empowered to act quickly to a committee (or sub-committee) of the council for due consideration. But that is where we came in . . .

NEVILLE D. VANDYK.

THE CHARITIES BILL—II

Part III—Assistance and supervision of charities by court and central authorities

CLAUSE 13 sets out the circumstances in which the objects of a charity may be altered under the cy-près doctrine and adds to the number of the circumstances in which the court and (by virtue of cl. 17) the Commissioners and the Minister can make a scheme cy-près; thus the funds of two charities which can be more effectively used in conjunction with each other can be amalgamated, and the areas of local charities may be enlarged in the manner specified in Sched. III. The need for a general charitable intent before the cy-près doctrine comes into play remains unaltered, and there is no attempt to regulate the new purposes to be set out in a scheme. The Bill does not deal with the difficulty which arises when donations are given, often in the form of small anonymous gifts, for a purpose which fails, and it is impossible to ascribe to the donors any general charitable intent, but on third reading the Lord Chancellor said that it was hoped by the Government to introduce a suitable amendment concerned with this difficulty when the Bill was in the Commons. His lordship indicated that the Government was chiefly concerned with donations which become *bona vacantia* as the law operates at present.

The object of cl. 14 is to enable the court, the Commissioners and the Minister to exercise jurisdiction in certain cases of charities regulated by Royal Charter and certain charities governed by or under statute and referred to in Sched. IV. Machinery for the alteration of trusts in such cases is thus provided without cost to the charity, whereas under the present law an alteration of trusts can be effected only at great expense.

Clauses 15 and 16 relate to the vesting of property in the official custodian for charities and regulate his position as custodian trustee. It seems that in practice his position will be the same as that of the existing Official Trustee of Charity Lands and Official Trustees of Charitable Funds. Clause 16 states expressly that he shall not exercise any powers of management, and this should set at rest the minds of those who, quite without foundation, see in a custodian trustee someone who is going to interfere with the trustees' administration of the charity. (The exceptional powers of management of the official custodian in the case of a common investment fund are referred to below.)

Jurisdiction of the Commissioners and Minister

Clause 17 re-enacts the existing law relating to the power of the Commissioners and the Minister to exercise jurisdiction concurrent with that of the High Court: for example, in the matter of scheme-making. Disputed matters of title and the validity or otherwise of a trust are not within the jurisdiction of the Commissioners and the Minister. Jurisdiction can ordinarily be exercised only on due application being made or on reference by the court, but a new provision gives the Commissioners power, if satisfied that the charity trustees of a charity which is not an exempt charity ought in the interests of the charity to apply for a scheme, but have unreasonably refused or neglected to do so, to apply to the Home Secretary for him to refer the case to them with a view to a scheme, and if, after giving the trustees an opportunity to make representations to him, the Home Secretary does so, the Commissioners may proceed accordingly without an application: but the Commissioners have no power in such a case to alter the purposes of a charity, unless forty years have elapsed since the date of its foundation. The Minister may proceed with a view to a scheme in the circumstances in which the Commissioners are able to apply to the Home Secretary for him to refer a case to them. In this clause the principle is maintained that there is no justification for introducing strangers whom the court will not hear into the exercise of powers by the Commissioners and the Minister, and the Government on third reading resisted an amendment which sought to give local authorities the right to apply to them for an exercise of their jurisdiction. The clause includes provisions for appeal against orders made under it, including a new provision for appeal to the High Court with the leave of the Commissioners or a judge.

Clause 18, like cl. 14, is concerned with saving expense to charity, replacing the existing provisions concerning the alteration, by parliamentary scheme, of trusts regulated by statute, and providing that effect may instead be given to such a scheme by statutory instrument. There is a new provision prohibiting the expenditure, without leave, of charity money on the promotion of a Bill in Parliament. Clause 18 also empowers the Commissioners and the Minister to authorise trustees to apply income cy-près, within certain limits, in advance of the making of a scheme: this apparently gives statutory effect to a current practice resorted to in order to prevent hardship arising from inevitable delays in scheme-making.

Clause 19 confers on the Commissioners and the Minister a new power to act for the protection of charities, other than exempt charities, where there has been misconduct or mismanagement. Subject to the same rights of appeal as are contained in cl. 17, they may remove and appoint trustees. There is included in cl. 19 a provision, modelled on the statutory provisions governing war charities, treating as misconduct the giving of remuneration which is excessive in relation to the sums applied for the purposes of the charity, this provision being aimed, as the Lord Chancellor explained in committee, against the bogus collecting charity where the proceeds are swallowed up in administration. Clause 20 provides for due publicity being given for proceedings under cll. 17, 18 and 19.

Common investment schemes

Clause 21, which is new, enables the court, the Commissioners and the Minister to make schemes, referred to as common investment schemes, for the establishment of common investment funds under trusts which provide for property transferred to the fund by or on behalf of a charity participating in the scheme to be invested under the control of trustees appointed to manage the fund, and for the participating charities to be entitled (subject to the provisions of the scheme) to the capital and income of the fund in shares determined by reference to the amount or value of the property transferred to it by or on behalf of each of them. On second reading the Lord Chancellor explained that the clause followed what is now settled practice for schemes of this sort, made where two or more charities delegate to joint nominees the management of their common funds. With the consent of the Commissioners the assets of a common investment fund may be vested in the official custodian, who in this exceptional case has powers of management, though he is to be advised by a panel of investment advisers when the scheme empowers him to exercise any discretion with respect to the investment of the fund. Every charity is to have power to participate in common investment schemes, unless the power is excluded by a provision specifically referring to common investment schemes in the trusts of the charity.

Clauses 22 to 26 contain miscellaneous powers of the Commissioners and Minister. Clause 22 empowers them to authorise transactions beneficial to a charity and is a generalisation of numerous existing provisions. Clause 23 re-enacts the power to give a charity trustee an opinion or advice on a matter affecting the performance of his duties as such. In this connection it may be observed that the expression "charity trustees" is defined (in cl. 44) as meaning the persons having the general control and management of a charity, but that the expression "trustee for a charity" is also used in the Bill; for example, in cl. 23, where it is provided that "a charity trustee or trustee for a charity" acting under the opinion or advice given thereunder shall (subject as therein provided) be deemed, as regards his responsibility for so acting, to have acted in accordance with his trust. It is understood that the distinction is deliberate and that a "charity trustee" is not necessarily a trustee at all in the ordinary sense; thus in the case of a corporate charity the corporation is the charity trustee, but the members of the corporation actually act as trustees for the charity. Clause 24 contains provisions relating to the preservation of charity documents. Certified copies of documents enrolled by or deposited with the Commissioners or the Minister are to be received in evidence. Clause 25 replaces existing provisions empowering the Commissioners and the Minister to order taxation of a solicitor's bill of costs. In cl. 26 the existing power of the Commissioners and the Minister to sue for rent-charges is re-enacted, and they are given a new power to secure compulsory redemption of rent-charges.

Of cl. 27 the Lord Chancellor said on second reading that it consolidated what was believed to be the existing law regarding the institution of charity proceedings, the form of those proceedings being left to be regulated by the rules of the court. The clause specifies the persons who may take legal proceedings in relation to a charity, and requires (save in the case of an exempt charity and proceedings by the Attorney-General) the consent of the Commissioners or the Minister or, if such consent is refused, the leave of a judge of the Chancery Division of the High Court. The provision for appeal to a judge is new.

"Mixed" charities

Clause 28, which replaces the existing restrictions on dealing with charity property, has the salutary effect of abolishing the significance of "mixed" charities, but it has been the subject of considerable controversy. Ordinarily no property forming part of the permanent endowment of a charity may, without an order of the court or the Commissioners or the Minister, be mortgaged or charged by way of security, nor (save as in the clause provided) sold, leased or otherwise disposed of. Land which is or has at any time been occupied for the purposes of the charity is affected in the same way as land forming part of the permanent endowment, but a transaction which requires the sanction of an order is, notwithstanding that it is entered into without such an order, to be valid in favour of a bona fide purchaser for value. No order is required in the case of an exempt charity, or any charity which is excepted by order or regulations.

The procedure whereby, when charity land is to be sold, the highest offer must be advertised in the hope of eliciting a higher bid has been criticised on the ground that the delay inevitable in such a procedure may lead to the proposed sale falling through, to the detriment of the charity, but, as the Lord Chancellor pointed out in committee, the Nathan Committee were satisfied that on the whole the procedure was beneficial to charity, and recommended its continuance. It will, nevertheless, be considered by the Commissioners with a view to seeing how it can be operated more flexibly and improved. In any case, as the Lord Chancellor pointed out, the procedure does not apply to premises purchased with funds expendable as income by the trustees. His lordship went on to say that it was intended to maintain this position as regards functional premises so provided by national charities by making exempting regulations which will detail the classes of property excepted, possibly by reference to named charities, so that conveyancers will be in no doubt whether a given property is or is not subject to the control. On the report stage the Lord Chancellor said that it was intended to except by regulations the transfer of places of

religious worship and manses to new premises within the terms of a local trust where there is a living church, and to except transactions in respect of places of religious worship and manses held on the model trust deeds of various denominations, or held on trusts whereby a denominational authority or trust corporation is empowered to provide, close and dispose of local churches. He said that to produce absolute certainty it was intended that the regulations should be drafted in consultation with the charities (whether churches or otherwise) concerned.

Clause 29 is a new provision which enables the Attorney-General to petition for the winding up of a charitable company. It also provides that no exercise by a company of any power to alter its constitution so that it ceases to be a charity shall be valid so as to affect the application of any property acquired otherwise than for full consideration before the change.

Clause 30 is also new. It protects the expression "common good" fund, the object of so doing being to encourage the formation of common good funds by giving some warranty of their object and good faith.

Part IV—Miscellaneous provisions as to charities and their affairs

Clause 31 replaces the present obligation on trustees to keep accounts and imposes a duty to preserve them for at least seven years unless the charity ceases to exist and the Commissioners or the Minister permit them to be destroyed or otherwise disposed of.

Clauses 32 to 36 replace, with some simplification and generalisation, a number of existing enactments. Clause 32 deals with the manner in which notice is to be given of, for example, charity meetings. Clause 33 deals with the manner of executing instruments. A deed or instrument purporting to be executed in pursuance thereof is, in favour of a bona fide purchaser for value, to be conclusively presumed to have been duly executed.

Clause 34 is concerned with the transfer of and evidence of title to property vested in trustees. The appointment or discharge of a trustee by resolution is to be sufficiently evidenced by a memorandum signed either at the meeting by the person presiding or in some other manner directed by the meeting and attested by two persons present at it. If executed as a deed, the memorandum is to have the like operation under s. 40 of the Trustee Act, 1925 (which relates to vesting declarations as respects trust property in deeds appointing or discharging trustees), as if the appointment or discharge were effected by the deed. Clause 35 contains miscellaneous provisions as to evidence. Clause 36 is concerned with parochial charities and is in large part a re-enactment of s. 14 of the Local Government Act, 1894. It authorises the transfer of recreation grounds and allotments to parish councils, and provides for the appointment by local authorities of trustees of parochial charities.

Clause 37 repeals the law of mortmain. It provides that no right or title to any property shall be defeated or impugned, and no assurance or disposition of property treated as void or voidable, by virtue of any enactment relating to mortmain, if at the date when the Bill becomes law the possession is in accordance with that right or title or with that assurance or disposition, and no step has been taken to assert a claim by virtue of any such enactment; but this provision is not to validate any assurance or disposition so as to defeat a right or title already acquired by adverse possession. The repeal of the Acts relating to mortmain involves the repeal of the re-enactment (in s. 13 (2) of the Mortmain and Charitable Uses Act, 1888) of the preamble to the Charitable Uses Act, 1601, but the meaning of charity is to be found in case law, which has itself looked to the Statute of 1601, and cl. 37 expressly provides that any reference in any enactment or document to a charity within the meaning, purview and interpretation of the Charitable Uses Act, 1601, or of the preamble to it, shall be construed as a reference to a charity within the meaning which the word bears as a legal term according to the law of England and Wales.

Clause 38 provides for the repeal, with the necessary savings, of the obsolete enactments specified in Sched. V.

Part V—Supplementary

Clause 39 contains miscellaneous provisions as to orders made by the Commissioners and the Minister, and cl. 40 provides for the enforcement of such orders, disobedience to which may be treated as contempt of court. Clause 41 deals with provisions to be made regulating appeals against orders and decisions of the Commissioners and the Minister. Clause 42 provides that the power to make regulations shall be exercisable both by the Home Secretary and the Minister. The procedure is to be by statutory instrument, laid before Parliament. Clause 43 deals with expenses and also with fees received by the Commissioners or the Minister, which are to be paid into the Exchequer.

Clause 44 provides for the construction of references to a "charity" or to particular classes of charity, and cl. 45 contains other definitions. Clause 46 empowers the Parliament of Northern Ireland to legislate for purposes similar to those of the Bill. Clause 47 provides for the consequential amendment of the enactments specified in Sched. VI, and for the total or partial repeal of the enactments specified in Sched. VII, which is divided into two parts, comprising principal repeals and mortmain repeals respectively. Clause 47 also contains transitional provisions: for example, the official custodian is to be the successor for all purposes of the Official Trustee of Charity Lands and the Official Trustees of Charitable Funds. Clause 48 contains the short title and provides for the extent of the Act and its commencement.

(Concluded) S. G. M.

Honours and Appointments

Mr. GERARD BOYLE, a solicitor in Shropshire County Council's legal department, has been appointed to a similar position at Aylesbury, Buckinghamshire.

Mr. JOHN LLOYD WEBB, solicitor, and legal adviser for Rolls Royce, Ltd., Derby, has been elected president of the Derby and Derbyshire Junior Chamber of Commerce.

Personal Note

Mr. A. L. N. JAY, solicitor, of London, W.C.1, and the world foil champion, represented Great Britain against France's Olympic fencing candidates at Chelsea on 2nd May.

Obituary

Mr. CHARLES RICHARD ENEVER, solicitor, of London, E.C.2, died on 13th April, aged 91. He was admitted in 1895.

Mr. CHARLES STEDMAN JUPP, solicitor, of London, W.C.1, died on 25th April, aged 88. He was admitted in 1896.

Wills and Bequests

Mr. PETER ORMEROD ASHWORTH, solicitor, of Leeds, left £56,574 net.

Mr. CHARLES DENNIS WATSON, solicitor, of Southport, left £66,403 net.

County Court Letter

THE ONE THAT GOT AWAY

IT is true beyond question and regrettable beyond measure that it would be much easier to write an article on how to escape paying one's just debts than to write one on how to stop someone else doing so. Admittedly, in order to catch your rabbit you must know of, and therefore be able to stop up, all the entrances to his burrow, and to some extent the same principle applies to your judgment debtor, though he, in all conscience, is usually no rabbit. How often has one forced him gradually and carefully into some legal corner, only to see him side-step expertly, sell the court a dummy, and regain the open country of general insolvency without personal inconvenience.

In some respects, the procedure for enforcing judgments in the county court is like the mills of God, the difference being, the cynics say, in the quality of the grinding. Certainly the process is slow, but where the vast majority of judgment debtors are stupid rather than dishonest, and spend most of their time on the brink of, if not actually in, some financial crisis, it is obviously essential that it should be so if gross injustice is not to be caused. In this connection, one of the fundamental advantages of the county court over the High Court is its power to make instalment orders. Such orders are of course invaluable in a court where the majority of defendants have no capital but bring home reasonable pay packets each week out of which something can be extracted for the benefit of creditors.

Most defendants in the county court, being fundamentally honest, only fail to pay because they are in a financial muddle which the court's instalment order helps them to sort out. However, the increase of county court jurisdiction, combined with the growth of credit trading and a generally increased standard of living, has created a class of twentieth-century "artful dodgers" who are constantly in debt, often to a very considerable extent, and have no intention of paying anything unless they absolutely have to. Why pay cash, they argue, if a promise will do?

Over to you, Ma

The odds are a pound to a penny that this type of character has no furniture or other goods on which execution can be levied—or at any rate, will say he has not. His wife will probably claim anything that is not on hire purchase, so that if you levy execution for the whole amount due and unpaid, you face the probability of a claim by the wife and interpleader proceedings under C.C.R., Ord. 28. You will then either have to withdraw, which will mean that you lose the costs of the execution, or face the difficult task of proving that in fact the wife does not own the furniture when both she and her husband say she does. To put it mildly, you are up against it in no mean measure, unless you have something straight from the horse's mouth up your sleeve, if you will forgive that rather soggy metaphor.

Judgment debtors of the type that we have in mind tend to have a large number of small debts rather than a few big ones. If yours is of a reasonable size, it is often practicable to slip in a crafty one almost as good as your opponent can give. When an instalment order has been made, it is not necessary for a warrant of execution to be taken out in respect of the whole judgment debt; it can be issued for any part of it, not being less than £1 (Ord. 25, r. 13 (5)). It is very often possible to twist the judgment debtor's arm for a pound or two where he would fight execution for £20 to the last drop of the bailiff's blood. This process can be repeated indefinitely till the whole amount is paid.

Column dodging

You will probably have discovered long before this that your quarry is an expert at delaying and evasive tactics. The court file will be well peppered with adjournments for all sorts of causes, applications to set aside, to suspend, to vary, and anything else that his ingenuity can devise. There will also doubtless be a number of medical certificates stating that he is, or was, suffering from some unreadable disease and is, or was, unable to follow his occupation—not, it will be noted, to come to court. The problems and dangers of a National Health doctor faced with a patient who, whatever he thinks, may in fact not be a malingerer are not fit material for an article like this, but it suffices to say that, if you can get a person of the sort under consideration to court on one out of every three occasions on which he is summoned, you are doing well.

There are of course the long-shot remedies of receivership, charging order, or garnishee order open to you, but in a case of this nature they are unlikely to be of any avail. If execution fails, therefore, judgment summons procedure is the best course open to you.

When you have gone through the almost inevitable stages of the judgment debtor failing to appear because, he says, he misread the date on the summons (or alternatively lost it) and when at last he has been brought to court on Form 179 procedure under Ord. 25, r. 43, you will be beginning to get to grips, however slippery, with the real problem. The judgment debtor will in all probability disclose an enormous number of debts (some of which will be on judgments), a relatively small income and an impossibly large family. The judge, who of course lacks the long and intimate knowledge of the matter that you have, will almost certainly make a small instalment order. When in due course an instalment is not paid and you restore the judgment summons, you may with some sort of luck get a committal order, on the grounds that the debtor has, or has had, the means to pay.

The shadow of the bars

Failure to pay an instalment order and the issue of a committal warrant will lead to a further flood of doctor's certificates, applications for suspension, and letters showing changed circumstances. As we noted in a previous article (103 SOL. J. 685), though the debtor will only pay when practically at the prison door, in fact the last thing that anyone really wants is that he should go behind bars and thus be unable to earn anything to help to pay his debts. He therefore has to be thrown a lifebelt at the same time as he is pushed overboard unless everybody is going to drown.

It is perhaps surprising that when the County Courts Act, 1959, was passed, Pt. VII dealing with the making of administration orders was not amended. They can still only be made when the debtor alleges that the whole of his indebtedness amounts to not more than £50, in spite of the general fall in the value of money and rise in county court jurisdiction. However, it might be worth while bearing in

mind the provisions of s. 148, where the debtor is an operator in only a small way of business.

There remains the possibility of a receiving order in bankruptcy being made, in lieu of a committal order, under s. 107 (4) of the Bankruptcy Act, 1914. The difficulty about this is that somebody has to pay the fee, and unless a number of creditors get together and share it, it comes unduly hard on whoever agrees to have such an order made. The result of course is that all other proceedings for execution or committal against the debtor cease, so from his point of view it must create a not unwelcome lull in the financial storm. What is likely to be saved out of the wreck for the creditors is a matter of completely untamable conjecture.

The pursuit of the professional judgment debtor has a lot in common with the art of tickling trout. Leaving aside the little question of legality, both require cunning, skill, patience, stealth, and an intelligent anticipation of the reactions of the quarry. But the trout, when landed, is a fat and rewarding catch. The debtor, alas, is invariably spent.

J. K. H.

Landlord and Tenant Notebook

GRANT OF TENANCY INFERRED

At first sight, some of the reasoning of Cross, J.'s judgment in *Stroud Building Society* v. *Delamont* [1960] 1 W.L.R. 431; p. 329, *ante*, is difficult to reconcile with that of Lord Denning in *Isaac* v. *Hotel de Paris, Ltd.* [1960] 1 W.L.R. 239 (P.C.); p. 230, *ante*, discussed in the "Notebook" of 15th April last (p. 302). In both cases, though the facts were very different, the essential question was whether, to use a convenient though inaccurate phrase, a tenancy had been created by conduct, notably by the acceptance of rent. But in *Isaac* v. *Hotel de Paris, Ltd.*, though the appellant had had exclusive possession of premises and made monthly payments as rent, which had been accepted (without acknowledgment) by the respondents who owned the premises, Lord Denning said that all that was *intended* was that he should have a "personal privilege," and applied Lord Greene, M.R.'s "golden rule" as stated in *Booker* v. *Palmer* [1942] 2 All E.R. 674 (C.A.):—

> "... the law does not impute intention to enter into legal relationships where the circumstances and the conduct of the parties negative any intention of the kind";

while in *Stroud Building Society* v. *Delamont* we find Cross, J., saying:—

> "In my judgment, the right inference to draw from all the facts is that the society [the plaintiffs] had consented to accept her [the third defendant] as a tenant. No doubt the society never deliberately abandoned any right which it had to treat her as a trespasser, but that was because it never appreciated that it had any such right. No doubt, if it had appreciated that, it would have acted differently."

"All the facts"

The word "all" in the above passage should be emphasised, for earlier in his judgment Cross, J., had said that if one took each point which might be said to tell in favour of the creation of a tenancy in isolation, each could be explained away, but "I must look at the picture as a whole": and, approaching the matter from the third defendant's point of view, that picture was as follows.

In March, 1948, she took a weekly tenancy, or purported to take such a tenancy, of a house which was the subject-matter of the action. That house was mortgaged to the plaintiffs and the grantor of the mortgage had no right to grant the tenancy without their consent. He did not seek such consent. In June, 1956, he was adjudicated bankrupt. The third defendant thenceforward paid rent to his trustee in bankruptcy. In January, 1958, she received a letter from the plaintiffs' secretary stating that he had been appointed receiver of the income of the mortgaged property and asking her to pay him the rent due and becoming due. In March her man of affairs wrote to the plaintiffs' solicitors quoting the receiver's letter and asking what were the terms of the tenancy. In March the solicitors answered that they understood that the terms were the same as between the third defendant and the mortgagor (the first defendant). After a dispute about deductions for repairs the third defendant paid arrears of rent from January, 1958, and then went on to pay weekly rent by cheques in favour of the plaintiffs.

On 1st July, however, the plaintiffs' solicitors sent her what they called a notice to quit and deliver up the house on 3rd January, being a document signed by the society's secretary and reading: "I ... secretary of the Stroud Building Society ... hereby give you notice to quit and deliver up to the ... society ... on 3rd January, 1959, possession of the premises ... which you hold as tenant of the said Stroud Building Society."

The notice was, it was agreed, given by the signatory as secretary of the society and not as receiver under the mortgage. It was followed by correspondence in which the plaintiffs' solicitors reaffirmed it and directed the third defendant to pay rent to them until it expired, which she did. It was also agreed in the action that if she held a tenancy binding on the plaintiffs the notice must be bad. It is not clear why; there was some question of the premises being business premises so that Pt. II of the Landlord and Tenant Act, 1954, would apply; or it may be that the date of expiry did not correspond to the expiry of a week of the tenancy (and there were no "general words"). There was no suggestion of Rent Act control. However, the only question for decision was whether the third defendant was tenant or trespasser. (The first and second defendants, respectively the mortgagor and his trustee in bankruptcy, did not appear.)

"The picture as a whole"

The third defendant, having paid rent to three successive recipients, may well have felt that she was on solid ground; but attempts were made to explain the acceptance of payments by reference to the appointment of the receiver, the receivership not having been terminated. It was also urged that the demand made in the solicitors' letter of August, 1958, that she should continue to pay the rent ought not to prejudice the plaintiffs; the third defendant was merely doing what she had been doing since March. Then, it was said that payment of the cheque to the plaintiffs was not inconsistent with payment to the receiver, and that the statement in the notice that she was a tenant was not fatal to the claim either; two authorities, one ancient and one modern, were cited to show that an erroneous statement that a trespasser was a tenant would not evidence a tenancy: *Doe d. Wilcockson* v.

Lynch (1771), 2 Chit. 683, in which a notice to leave at Lady Day next was held not to be conclusive evidence of a demise; and *Lowenthal* v. *Vanhoute* [1947] K.B. 342, in which tenants of a furnished flat referred the contract to the local rent tribunal after receiving a notice to quit and then received another one from the plaintiffs' solicitors!

Cross, J., held that there was nothing in law to prevent a mortgagee who had appointed a receiver from creating the relationship of landlord and tenant between himself and a tenant of the mortgagor; and found, as mentioned, that, while he agreed that if each point were taken in isolation it might be "explained away," taking the picture as a whole, and putting himself in the position of a juryman, the right inference was that stated at the conclusion of my first paragraph.

The "golden rule"

The rule applied in *Booker* v. *Palmer* and other cases, including *Isaac* v. *Hotel de Paris, Ltd.*, was not referred to in *Stroud Building Society* v. *Delamont*. This may be because it has normally operated in cases where the issue was tenant or licensee, not tenant or trespasser. Its terms are, however, wide enough to make it applicable to both; hence, to reconcile the new decision with the others mentioned, it is necessary to emphasise the finding of ignorance. In *Isaac* v. *Hotel de Paris, Ltd.*, the acceptance of payments did not, Lord Denning said, evince any intention to waive the company's right to immediate possession; in *Stroud Building Society* v. *Delamont* it evidenced a tenancy because the drawees were blissfully ignorant of that right.

R. B.

HERE AND THERE

BRIDE AND BENCHER

THE wedding to-day of Her Royal Highness Princess Margaret has for the lawyers a special quality, for she is one of them. She is a member of the Bar. She is a Bencher of Lincoln's Inn. The father of her husband is a Queen's Counsel. Never before has the law been so closely linked with the marriage of a member of the royal family. It was an unforgettable scene in Lincoln's Inn Hall when just before dinner on 29th November four-and-a-half years ago Judge Norman Daynes, Q.C., the Treasurer of the Society, vast in bulk and benevolent of aspect, called the Princess to the Bar and, immediately afterwards, installed her as a Bencher. Over her wide-skirted pink evening dress she assumed the black gown of her new status and then took her place at table. Never before had the high table in that hall been graced by such lively charm, such young vivacity. Since then she has dined in Hall more than once. Her grandfather and her grandmother, King George V and Queen Mary, were both Benchers of the Inn. In 1904, when he was still Prince of Wales, he served as Treasurer. In 1922 they both attended the celebrations which marked the anniversary of the settlement of the Society on its present site five hundred years before. In 1928 Queen Mary attended the reopening of the old Hall on its restoration. Many years afterwards, on the occasion of another visit, she planted in the gardens a walnut tree which still flourishes.

ANCESTRAL LINKS

THE Princess can look back to an even remoter link with the Inn. More than a century ago on 30th October, 1845, Queen Victoria opened the new Hall, then just completed. Accompanied by Prince Albert, escorted to the Inn by a bevy of Life Guards, played into the Hall by the band of the Coldstream Guards, greeted by all the members of the Society, ceremonially robed, who could be fitted into the space, she entered the Hall wearing a dress of Limerick lace, a scarlet shawl with broad gold edging and a blue bonnet and feather. It was an occasion of the highest ceremony, court officials, ladies-in-waiting, the knighting of the Treasurer, an address read by him kneeling, a reply by the Queen hoping "that learning may long flourish and that virtue and talent may rise to eminence within these walls." Prince Albert was admitted to the Society and made a Bencher. The choice of dishes at the subsequent banquet in the Hall now reads more like a delirious gastronome's dream of Paradise than the product of an Inn of Court kitchen, or, indeed, any earthly kitchen in this our fallen state. The menu just goes on and on, Le Salmi au Vin de Bordeaux, Les Cotelettes de Mouton à la Macédonie, Le St. Pierre Sec Hollandaise, Les Filets de Canetons à la Bigarrade, Les Cotelettes d'Agneau aux Concombres, Les Rougets à l'Italienne, Les Filets de Poulets Sautés aux Petits Pois, Le Turban de Lapéreaux à la Financière, Le Saumon de Severn, Les Cailles à la Jardinière, and so on and so on and so on. It becomes all the more dream-like when we are told that the banquet "lasted about half an hour." The toast of the Queen was proposed and responded to with cheering. When the Prince was toasted the Queen joined in. "Holding a glass of port wine in her hand, she stood up all the time and drank it off to the bottom." Before Queen Victoria the last royal visitor to the Inn had been Charles II, accompanied by his brother, the Duke of York (later James II), his cousin, Prince Rupert, and his son, the Duke of Monmouth. To the music of violins he had dined in Hall, waited on by the members. To do "a transcendent honour and grace" to the Society he had sent for the admission book and entered his name in it. So did James and Rupert and Monmouth, who put on student's gowns, "at which His Majesty was much delighted."

"MIGHT HAVE BEEN"

I SUPPOSE a Westminster Abbey ceremony is obligatory for the daughter of a King, but for one so independent and so much an individual as Princess Margaret, there would have been much to be said for the idea that the royal Bencher of Lincoln's Inn should have been married in Lincoln's Inn Chapel. It would not have been the first time that the Life Guards had clattered into the gates and Queen Victoria's visit showed to what heights of hospitality the Inn is capable of rising. Without any doubt the other Inns would have opened their Halls and spacious gardens for subsidiary or satellite receptions. Tradition would have blended with a pleasant intimacy, ending perhaps with a departure down the river from the Temple Stairs. It is only a fantasy now, but rather a pleasing one.

RICHARD ROE.

THE SOLICITORS ACT, 1957

On 7th April, 1960, an order was made by the Disciplinary Committee constituted under the Solicitors Act, 1957, that the name of FREDERICK HARRY NYE, of No. 15 Prince Albert Street, Brighton, be struck off the Roll of Solicitors of the Supreme Court and that he do pay to the complainant his costs of and incidental to the application and inquiry. The order came into operation on 20th April, 1960.

SOLICITORS' "T. E. W. T."

By A CORRESPONDENT LATELY ON PARADE

ON 1st April thirty-six solicitors assembled at Lincoln College, Oxford, for the second Easter course organised by the Hertfordshire Law Society. They found themselves close neighbours to The Law Society course, which was being held at Exeter College next door, as well as at New College. Hertfordshire attempted a novel type of course inspired by memories of those "tactical exercises without troops" of wartime. Three members had each created a fictitious file. One of them dealt with the death of Richard Kimberley and chronicled the three years' work involved in winding up his £70,000 estate, including the complications caused by his mistresses in Ealing, his plastic button factory and his son who had run away from home and set up house in Egypt. The second file was based on town planning and the Housing Acts and described the dilemma of a solicitor whose client was at one and the same time instructed to pull a cottage down as a dangerous structure and to preserve it as a scheduled building. The third involved the death of husband and wife in a car accident and the doings and misdoings of the solicitor entrusted with securing the best settlement he could for the children. All these files had been written out in considerable detail and attractively duplicated. Every member going on the course received his three files in advance and was expected to have read them before he reached Oxford. These files, incidentally, are available for borrowing by other local law societies upon request to, and by arrangement with, the hon. secretary of the Hertfordshire Law Society (Mr. E. A. Williams), Hertford, Herts.

During the three study sessions, each file was considered in turn. First of all its author commented on the problems his imaginary solicitor had faced. Next the audience divided itself into seven groups and compiled a list of criticisms and suggestions. Each group then voiced its comments in turn and they were discussed by the entire class.

Finally, the members were given something really practical to do. Every person present was asked to assess what his profit costs would have been if he had been the solicitor in charge of the matter. These bills were signed and then were read aloud to the whole class. Every now and then a person who had put a particularly low or a particularly high figure on his bill was asked to explain what criteria he had used in arriving at his figure.

One solicitor who attended the course was there in a completely unofficial and private capacity and he shall therefore be nameless. He was, however, a person quite peculiarly suited to say what, if the bill had been challenged by the client, The Law Society might have certified as a reasonable sum. His experience and carefully considered remarks caused depression and delight in different quarters of the room, but enlightenment everywhere. This may well have been the first practical exercise ever organised in the proper utilisation of the seven pillars of Sched. II.

During the course, the society were honoured by a visit from the president of The Law Society, Sir Sydney Littlewood, who took part in the exercise based on town planning. They were also visited by Mr. Philip Lawton, who was the instructor at the society's course in 1959 and by several other solicitors who were officially attending the course at Exeter College. In return, the president invited the Hertfordshire course to listen to a lecture delivered on Sunday morning in the Oxford Union by the Deputy Controller of the Estate Duty Office on the organisation and working of Minford House.

"THE SOLICITORS' JOURNAL," 5th MAY, 1860

ON the 5th May, 1860, THE SOLICITORS' JOURNAL criticised an appointment conferred on a nephew of the late Vice-Chancellor Shadwell: "The office of Taxing Master was . . . established under the auspices of Lord Lyndhurst. The original form of the Bill constituting this office made it open only to members of the Bar; and it was not without considerable opposition that the Bill was passed in its present shape enabling solicitors of ten years' standing to hold the place. This just and proper amendment was introduced by the present Lord Chancellor himself; and a very considerable salary was attached, in order to ensure the services of men of experience and eminence in the profession. Of all the offices in connection with the Court of Chancery that of Taxing Master leaves the largest amount of arbitrary power in the hands of an official. The intention, unquestionably, was to open it only to men whose professional income at least equalled the salary offered; and not to hold it out as a prize to needy practitioners, who had never succeeded in realising an income of one quarter the amount. We know nothing of Mr. Shadwell personally; but we are sufficiently acquainted with his past career as a professional man, to assert without hesitation, that he never occupied a position of that marked and acknowledged eminence which alone would stamp him . . . as fully qualified for the post. . . . There is no one whose memory is more endeared to those who were honoured by his friendship, or more popular with the legal profession generally than the late Vice-Chancellor of England; and were blood relationship the only qualification to be considered, we should be inclined to put Mr. Shadwell's claims . . . before most others. But if we are to consider his talents, position and general fitness for the office, we are compelled to protest earnestly against such an appointment. . . . Let us hope . . . that for the future appointments will be made without such supreme regard to the claims of nepotism or relationship."

NEW BUSINESS NAMES REGISTERED IN 1959

During the year ended 31st December, 1959, there were 38,157 new registrations under the Registration of Business Names Act, 1916 (as amended by the Companies Act, 1947), and 9,935 names were removed from the registers. The total remaining on the registers at December, 1959, was 794,138. Four prosecutions were instituted during the year for non-compliance with the Act. A conviction was obtained in each case.

SOLICITORS' "T. E. W. T."

By A Correspondent Lately On Parade

On 1st April thirty-six solicitors assembled at Lincoln College, Oxford, for the second Easter course organised by the Hertfordshire Law Society. They found themselves close neighbours to The Law Society course, which was being held at Exeter College next door, as well as at New College. Hertfordshire attempted a novel type of course inspired by memories of those "tactical exercises without troops" of wartime. Three members had each created a fictitious file. One of them dealt with the death of Richard Kimberley and chronicled the three years' work involved in winding up his £70,000 estate, including the complications caused by his mistresses in Ealing, his plastic button factory and his son who had run away from home and set up house in Egypt. The second file was based on town planning and the Housing Acts and described the dilemma of a solicitor whose client was at one and the same time instructed to pull a cottage down as a dangerous structure and to preserve it as a scheduled building. The third involved the death of husband and wife in a car accident and the doings and misdoings of the solicitor entrusted with securing the best settlement he could for the children. All these files had been written out in considerable detail and attractively duplicated. Every member going on the course received his three files in advance and was expected to have read them before he reached Oxford. These files, incidentally, are available for borrowing by other local law societies upon request to, and by arrangement with, the hon. secretary of the Hertfordshire Law Society (Mr. E. A. Williams), Hertford, Herts.

During the three study sessions, each file was considered in turn. First of all its author commented on the problems his imaginary solicitor had faced. Next the audience divided itself into seven groups and compiled a list of criticisms and suggestions. Each group then voiced its comments in turn and they were discussed by the entire class.

Finally, the members were given something really practical to do. Every person present was asked to assess what his profit costs would have been if he had been the solicitor in charge of the matter. These bills were signed and then were read aloud to the whole class. Every now and then a person who had put a particularly low or a particularly high figure on his bill was asked to explain what criteria he had used in arriving at his figure.

One solicitor who attended the course was there in a completely unofficial and private capacity and he shall therefore be nameless. He was, however, a person quite peculiarly suited to say what, if the bill had been challenged by the client, The Law Society might have certified as a reasonable sum. His experience and carefully considered remarks caused depression and delight in different quarters of the room, but enlightenment everywhere. This may well have been the first practical exercise ever organised in the proper utilisation of the seven pillars of Sched. II.

During the course, the society were honoured by a visit from the president of The Law Society, Sir Sydney Littlewood, who took part in the exercise based on town planning. They were also visited by Mr. Philip Lawton, who was the instructor at the society's course in 1959 and by several other solicitors who were officially attending the course at Exeter College. In return, the president invited the Hertfordshire course to listen to a lecture delivered on Sunday morning in the Oxford Union by the Deputy Controller of the Estate Duty Office on the organisation and working of Minford House.

"THE SOLICITORS' JOURNAL," 5th MAY, 1860

On the 5th May, 1860, The Solicitors' Journal criticised an appointment conferred on a nephew of the late Vice-Chancellor Shadwell: "The office of Taxing Master was . . . established under the auspices of Lord Lyndhurst. The original form of the Bill constituting this office made it open only to members of the Bar; and it was not without considerable opposition that the Bill was passed in its present shape enabling solicitors of ten years' standing to hold the place. This just and proper amendment was introduced by the present Lord Chancellor himself; and a very considerable salary was attached, in order to ensure the services of men of experience and eminence in the profession. Of all the offices in connection with the Court of Chancery that of Taxing Master leaves the largest amount of arbitrary power in the hands of an official. The intention, unquestionably, was to open it only to men whose professional income at least equalled the salary offered; and not to hold it out as a prize to needy practitioners, who had never succeeded in realising an income of one quarter the amount. We know nothing of Mr. Shadwell personally; but we are sufficiently acquainted with his past career as a professional man, to assert without hesitation, that he never occupied a position of that marked and acknowledged eminence which alone would stamp him . . . as fully qualified for the post. . . . There is no one whose memory is more endeared to those who were honoured by his friendship, or more popular with the legal profession generally than the late Vice-Chancellor of England; and were blood relationship the only qualification to be considered, we should be inclined to put Mr. Shadwell's claims . . . before most others. But if we are to consider his talents, position and general fitness for the office, we are compelled to protest earnestly against such an appointment. . . . Let us hope . . . that for the future appointments will be made without such supreme regard to the claims of nepotism or relationship."

NEW BUSINESS NAMES REGISTERED IN 1959

During the year ended 31st December, 1959, there were 38,157 new registrations under the Registration of Business Names Act, 1916 (as amended by the Companies Act, 1947), and 9,935 names were removed from the registers. The total remaining on the registers at December, 1959, was 794,138. Four prosecutions were instituted during the year for non-compliance with the Act. A conviction was obtained in each case.

NOTES OF CASES

The Notes of Cases in this issue are published by arrangement with the Council of Law Reporting, and, in general, full reports will be found in the Weekly Law Reports. Where possible the appropriate page reference is given at the end of the note.

Judicial Committee of the Privy Council

SALE OF GOODS: "SUBJECT TO SHIPMENT": CONSTRUCTION

Hong Guan & Co., Ltd. *v.* R. Jumabhoy & Sons, Ltd.

Lord Tucker, Lord Jenkins and Lord Morris of Borth-y-Gest

4th April, 1960

Appeal from the Court of Appeal of Singapore.

On 7th November, 1950, the respondents, R. Jumabhoy & Sons, Ltd., importers of cloves into Singapore, contracted to sell to the appellants, Hong Guan & Co., Ltd., fifty tons of second grade Zanzibar cloves, December shipment, "subject to force majeure and shipment." The respondents did in fact ship in December a quantity of cloves sufficient to fulfil the contract, though not sufficient to meet all their commitments to other buyers with whom they had "definite" contracts. They allocated the cloves among the latter and delivered none to the appellants, to whom they wrote: "Your shipment was not effected by the Zanzibar suppliers. Your contract was made subject to force majeure and shipment in consequence of which please consider your contract cancelled." On a claim by the appellants for damages for breach of contract of sale the trial judge dismissed the claim, and his decision was affirmed on 15th November, 1957, by the Court of Appeal of Singapore. The appellants appealed.

LORD MORRIS OF BORTH-Y-GEST, giving the judgment, said that "subject to shipment" was to be construed as meaning that the contract was conditional upon the respondents being able to procure the shipment in December, 1950, of cloves of the stipulated quantity and description. The respondents did ship such cloves. If the words were to be construed as covering a situation when shipment did not take place merely as the result of the arbitrary choice of the vendor, then there would be no contractual force in the document, which would merely give an option to the vendor. The respondents could not be allowed to excuse their non-performance by reference to their other commitments and to seek to give those other commitments priority over the appellants' claim—the contract made no reference to such commitments and they were no concern of the appellants. Accordingly, when the respondents failed to deliver to the appellants the cloves contracted for and when they purported to cancel the contract they committed a breach of it for which they were liable in damages, which were the difference between the contract price of $\$94\frac{1}{2}$ per picul and the market price at or about the date when the cloves arrived in Singapore. Appeal allowed; judgment for the appellants for $46,783.80. The respondents must pay the costs of the appeal and the costs in the courts below.

APPEARANCES: *B. J. M. MacKenna*, Q.C., and *Michael Mann* (*Amery-Parkes & Co.*); *C. P. Harvey*, Q.C., and *John Donaldson* (*E. F. Turner & Sons*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law] **[2 W.L.R. 754**

Court of Appeal

INCOME TAX: MEDICAL CONSULTANTS HOLDING PART-TIME APPOINTMENTS UNDER NATIONAL HEALTH SERVICE

Mitchell and Edon (Inspectors of Taxes) *v.* Ross

Mitchell and Haddock (Inspectors of Taxes) *v.* Hirtenstein

Mitchell and Mellersh (Inspectors of Taxes) *v.* Marshall

Taylor-Gooby (Inspector of Taxes) *v.* Tarnesby

Taylor-Gooby and Job (Inspectors of Taxes) *v.* Drew

Lord Evershed, M.R., Pearce and Harman, L.JJ.

24th March, 1960

Appeals from Upjohn, J. ([1959] 3 W.L.R. 550; 103 SOL. J. 635).

Five specialists holding part-time appointments under the National Health Service appealed to the Special Commissioners against, *inter alia*, certain assessments to income tax under Sched. E on the ground that in computing their profits or gains for the relevant years their remuneration in respect of such appointments, and payments made in respect of domiciliary visits to patients under the service, had been wrongly included and should have been assessed under Case II of Sched. D. The commissioners found that the part-time appointments were offices within the meaning of Sched. E to the Income Tax Act, 1918, and s. 156 of the Income Tax Act, 1952, and that the remuneration therefrom accordingly came under the dominance of that Schedule, but that since the appointments were a necessary part of the exercise of their profession by the specialists, who each carried on one profession and not two, and were merely incidental thereto, the remuneration fell to be assessed as part of their professional earnings under Sched. D. The commissioners' decision was reversed by Upjohn, J. The taxpayers appealed. *Cur. adv. vult.*

LORD EVERSHED, M.R., said that for the purpose of the hearing in the Court of Appeal, as for the purpose of the hearing before Upjohn, J., the facts in the case of the first-named taxpayer had been taken as typical of all five cases. The two main questions which arose for determination were: (1) should the taxpayer be assessed for income tax in respect of the profits or gains or emoluments arising to him from his practice as a consultant radiologist, alike from his private patients as from the hospital appointment, entirely under the relevant rules of Sched. D? Or should he be assessed under Sched. D in respect of the profits or gains arising from his private patients and under Sched. E in respect of his emoluments under his hospital appointment? (2) Were the sums which the taxpayer might deduct for the purposes of his Sched. D assessment limited to sums wholly and exclusively expended by him for the purpose of his private practice, or might he deduct all expenses so incurred for the purposes of his single calling of a consultant radiologist, even though such expenditure related to his hospital appointment and could not be allowed for the purposes of his Sched. E assessment in respect thereof? As to the first question, the answer to it depended upon whether the taxpayer's hospital appointment constituted an office or employment within s. 156, para. 2, of the 1952 Act. He (his lordship) agreed with Upjohn, J., that the conclusion that the taxpayer's engagement with the hospital in question constituted an "office" within that section was inescapable; though he preferred to express no view whether it was or was not a "public" office. It followed, therefore, that the emoluments which the taxpayer received in respect of that office or employment must be taxable under Sched. E. But, for reasons later appearing, he (his lordship) agreed with his brethren that the taxpayer succeeded upon the second main question raised: that was that, although they must be taxed in respect of their hospital appointments under Sched. E, nevertheless they might still bring into account by way of deduction in their Sched. D assessments sums shown to have been wholly and exclusively expended for the purposes of their single professions as

consultants, even though referable to their hospital work, and even though not allowable in their Sched. E assessments. Turning now to the second question, that depended upon the meaning in its present context of the language of s. 137 (*a*) of the 1952 Act, which was: "Subject to the provisions of this Act, in computing the amount of the profits or gains to be charged under Case I or Case II of Sched. D, no sum shall be deducted in respect of (*a*) any disbursements or expenses, not being money wholly and exclusively laid out or expended for the purposes of the trade, profession or vocation." It was, and was necessarily, of the essence of the argument of the Crown that, having regard to the present context of the paragraph, the word "profession" must be limited so as to be confined to that "profession" or part of the profession the profits or gains arising from which were taxable under Sched. D. In his (his lordship's) judgment, the language of the paragraph was too clear and unambiguous to admit of such a limitation in a case such as the present, where, according to the findings of the commissioners, the taxpayer's calling or "job in life"—that was, his "profession"—was the single profession of a consultant radiologist. If that was in truth his profession, as had been found and as the court must, in his view, clearly hold, then sums in fact wholly and exclusively expended for the purposes of that profession were deductible in the taxpayer's Sched. D assessment, and none the less so because they might have been attributable to his hospital appointment and could not, wholly or partly, be allowed in the assessment of the emoluments of that appointment under Sched. E. If it had been intended to make clear that the terms of para. (*a*) of s. 137 were limited as the Crown suggested, it would have been easy so to express the paragraph. Its terms, however, appeared to have remained and been re-enacted without alteration after the passing of s. 18 of the Finance Act, 1922, and notwithstanding the insertion of the proviso to s. 122 (1) in the consolidating 1952 Act. In his judgment, the words meant what they appeared to him clearly to say. The Crown's argument required that some gloss should be added to the statutory language, and he did not see any justification for making the gloss. The result was that the appeal must be allowed.

PEARCE and HARMAN, L.JJ., delivered concurring judgments. Appeal allowed. Leave to appeal.

APPEARANCES: *F. Heyworth Talbot*, Q.C., and *T. L. Creese* (*Hempsons*); *R. O. Wilberforce*, Q.C., and *Alan Orr* (*Solicitor of Inland Revenue*).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law] [2 W.L.R. 766

HUSBAND AND WIFE: PLEADINGS: AMENDMENTS TO ALLEGE DESERTION: THREE YEARS' DESERTION ONLY COMPLETED AT DATE OF HEARING

Blacker *v.* Blacker

Hodson, Willmer and Devlin, L.JJ. 5th April, 1960

Appeal and cross-appeal from Judge Rewcastle.

A wife petitioned for dissolution of marriage on the ground of cruelty; her husband, by his answer, cross-petitioned for dissolution of marriage, also on the ground of cruelty. Neither charge of cruelty succeeded. At the time of the hearing the parties had been separated for the three years immediately preceding, although they had not been separated for three years immediately preceding the presentation of the petition and the cross-petition. The husband was given leave to amend his cross-petition to allege desertion by the wife and to ask for a decree nisi on that ground; the wife was similarly given leave to amend her reply by adding a cross-petition alleging desertion by the husband. Both charges of desertion were dismissed, and on appeal therefrom the court took the point that the judge had no jurisdiction to allow those amendments.

HODSON, L.J., said that the question was whether there was in this suit any jurisdiction to deal with the desertion issue which each party now sought to raise. This could not be done simply by amendment, for that would be to defeat the plain language of s. 1 (1) (*b*) of the Matrimonial Causes Act, 1950, which required the period of three years to elapse not before the amendment of, but before the presentation of the petition (see *Spawforth* v. *Spawforth* [1946] P. 131). Where, as in this case, a petitioner had presented a petition based on cruelty, she could not present a fresh petition based on desertion until the first had been disposed of. To do so was to contravene r. 3 (2) of the Matrimonial Causes Rules, 1957. The rule dealt with substance and not with mere technicality; and it was just that a petitioner should not be allowed to present a fresh petition until the first had been disposed of. The rules had statutory effect, and although no doubt the court had a power after the event, under R.S.C., Ord. 70, r. 1, to dispense with the requirements of rules where justice required and needless inconvenience would otherwise result, it did not follow that, notwithstanding the consent of the parties, the court could authorise disregard of the rules in advance. The more substantial objection was, however, that to allow this course to be taken would be to ignore the plain language of the statute by enabling a petitioner or respondent to pray for relief on some ground other than desertion, and later at the hearing treat the statute as having provided that the relevant period of desertion expired at the hearing and not at the presentation of the petition. Leave to amend by alleging desertion was wrongly given, although no criticism could be levelled against the judge, who, in giving leave, had followed *Thatcher* v. *Thatcher* [1959] 1 W.L.R. 130, and *Swiszczowski* v. *Swiszczowski* [1959] 1 W.L.R. 187, both of which cases were, his lordship thought, wrongly decided. Both appeals would be dismissed.

WILLMER and DEVLIN, L.JJ., concurred.

APPEARANCES: *David Karmel*, Q.C., and *A. B. Hollis* (*J. E. Baring & Co.*); *F. Donald McIntyre*, Q.C., and *Derek Wheatley* (*C. E. Maplestone*).

[Reported by Mrs. IRENE G. R. MOSES, Barrister-at-Law] [2 W.L.R. 800

Queen's Bench Division

DAMAGES: FATAL ACCIDENT: WHETHER COST OF GRAVESTONE RECOVERABLE

Stanton *v.* Ewart F. Youldon, Ltd.

McNair, J. 21st January, 1960

Action.

The plaintiff, as executor, sued on behalf of himself and of his deceased wife's estate for damages in respect of her death. The plaintiff lived in comfortable circumstances and he received approximately £1,500 as sole beneficiary under his wife's will. His claim included a sum of £194 15s. for a marble memorial erected over his wife's grave six months after her death. No other stone had been erected over the grave.

MCNAIR, J., said the question was whether any part of the £194 15s. could properly be regarded as funeral expenses, either as funeral expenses of the estate or as funeral expenses reasonably and properly incurred by the plaintiff in his personal capacity. In so far as it was merely a memorial erected some six months later to the memory of the wife, although that was a perfectly proper payment for a man in the plaintiff's position to incur on his own behalf, it could not be considered a funeral expense; on the other hand, if the truth were that there was no stone of any kind erected over the grave at the time, and that some provision would have to be made for the grave to settle completely, then some part of it ought to be considered as a funeral expense. A stone over a grave might properly be considered as part of the funeral expenses if it was a reasonable expenditure for

persons in the position of the deceased and of the relatives who were responsible for the actual ordering of the stone; but in so far as it was merely a memorial set up as a sign of love and affection, then it would not be included. Making the best estimate he could, his lordship had reached the conclusion that of this sum of £194 15s. the sum of £40 should be allowed in respect of the simple gravestone which would complete the funeral expenses. The result was that he did not find that the plaintiff on his own behalf incurred any proper funeral expenses, but that he did disburse the £40 on behalf of the estate in respect of funeral expenses.

APPEARANCES: *Glynn Blackledge*, Q.C., and *L. J. Solley* (*Harold Miller & Co.*); *N. R. Fox-Andrews*, Q.C., and *Hugh Griffiths* (*Wm. Easton & Sons*).

[Reported by GROVE HULL, Esq., Barrister-at-Law]

SUM FIXED IN COURT IN LIEU OF TAXED COSTS

Silva *v.* C. Czarnikow, Ltd.

Streatfeild, J. 18th March, 1960

Application.

After a hearing which had lasted eight days, judgment was given for the defendants in consolidated actions in which the plaintiff had claimed sums alleged due in respect of trading transactions. Counsel for the defendants then applied for a gross sum to be fixed in lieu of taxed costs, pursuant to Ord. 9, r. 4 (*b*), of the Supreme Court Costs Rules, 1959, and evidence was given by the managing clerk of the defendants' solicitors estimating the costs.

STREATFEILD, J., gave judgment for the defendants for £1,250 costs. Counsel for the defendants thereupon made an ex parte application for a garnishee order nisi against the plaintiff's bank account, and produced the affidavit required under R.S.C., Ord. 45, r. 1. Streatfeild, J., granted the application and gave leave to appeal on the question of costs.

APPEARANCES: *G. R. F. Morris*, Q.C., and *Peter Crawford* (*Lawrance, Messer & Co.*); *Philip Goodenday* (*Edwin Coe & Calder Woods*).

[Reported by Miss EIRA CARYL-THOMAS, Barrister-at-Law]

EXTRADITION: FOREIGN FINAL CONVICTION AND SENTENCE IN DEFAULT: WHETHER ALLEGED FUGITIVE CRIMINAL "ACCUSED" OF CRIME

R. *v.* Governor of Brixton Prison; *ex parte* Caborn-Waterfield

Lord Parker, C.J., Ashworth and Salmon, JJ.

12th April, 1960

Application for a writ of habeas corpus.

The applicant, who had been summoned to appear before a French Criminal Court on 5th January, 1954, to answer a charge of theft in France, did not appear, either then or at an adjourned hearing, and in his absence was convicted and sentenced to four years' imprisonment. In French law that conviction was known as a *jugement par défaut* and anyone subject to it had the right at any time, on notice, to have it set aside and the case re-tried in his presence. On 2nd June, 1956, the applicant gave the requisite notice but at the re-hearing he again failed to appear, and the court, in accordance with French law, confirmed the conviction and sentence by a *jugement itératif défaut*, which judgment, unless notice of appeal were given within ten days, became final and conclusive. No such notice of appeal was given. On 12th January, 1960, the applicant was arrested in this country on a warrant issued under the Extradition Act, 1870, stating that requisition had been made by the French Government for his surrender as "suspected and accused of the commission of the crime of larceny," and the magistrate committed him for extradition on that basis. Had the applicant been subject to a *jugement par défaut* or *arrêt de contumace* he would, in effect, have been re-tried upon his surrender, but being subject to a *jugement itératif défaut* he would, if surrendered, have gone straight to prison to serve his sentence without further trial. The applicant sought a writ of habeas corpus on the ground, *inter alia*, that the basis of his application and committal for extradition as an "accused" person was false in law and in fact, and the respondents relied, *inter alia*, on s. 26 of the 1870 Act and art. VII (c) of the Treaty of 1876 between England and France. By s. 26 of the Extradition Act, 1870, ". . . The terms 'conviction' and 'convicted' do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term 'accused person' includes a person so convicted for contumacy." By art. VII (c) of the Treaty between England and France of 1876: "Persons convicted by judgment in default or *arrêt de contumace*, shall be in the matter of extradition considered as persons accused, and, as such, be surrendered."

SALMON, J., reading the judgment of the court, said that, looking at s. 10 of the Extradition Act, 1870, alone, it was plain that the applicant was a person "convicted of an extradition crime" within the meaning of the second paragraph, and not a person "accused" within the meaning of the first paragraph of the section. It had been argued that the prima facie meaning of the words "accused" and "convicted" in s. 10 were altered by s. 26. But the words "conviction for contumacy" in s. 26 were a translation of the French words *conviction par contumace* and did not include a final *jugement itératif défaut* which was radically different in character; they did, however, include a *jugement par défaut* which was of the same character, for persons subject to a *jugement par défaut* and a *conviction par contumace* (see *In re Coppin* (1866), 2 Ch. App. Cas. 47) were re-tried on their surrender and so fell into the category of accused persons. Accordingly, even though it was not expressly referred to in s. 26, a person subject to a *jugement par défaut* might properly be proceeded against and committed as an accused person under the first paragraph of s. 10, whereas a person such as the applicant, subject to a final *jugement itératif défaut*, who, upon his surrender, would begin serving his sentence without further trial, was not an accused but a convicted person. Nor did art. VII (c) of the treaty—which might be prayed in aid to limit but not to extend the scope of the Act—apply to persons subject to a *jugement itératif défaut*; it related only to persons subject to a *jugement par défaut* and an *arrêt de contumace*, who it was agreed should be treated as accused persons, which was in reality what they were, and not to persons who were in reality convicted persons. The committal of the applicant as an accused person, therefore, was wrong in law, and his application for habeas corpus succeeded. Application allowed.

APPEARANCES: *F. H. Lawton*, Q.C., and *Michael Sherrard* (*Blacket, Gill & Prior*); *Sir Reginald Manningham-Buller*, Q.C., A.-G., *J. R. Cumming-Bruce* and *R. A. Barr* (*Treasury Solicitor*); *J. H. Buzzard* (*Director of Public Prosecutions*); *Michael Koenig* (*Rowe & Maw*).

[Reported by Miss J. F. LAMB, Barrister-at-Law] [2 W.L.R 792

Probate, Divorce and Admiralty Division

WILL: EXECUTION: SEVERAL SHEETS PRESSED TOGETHER BY HAND OF DECEASED: TESTAMENTARY INTENTION

In the Estate of Little, deceased

Sachs, J. 16th December, 1959

Probate action.

A draft will consisting of four sheets of paper and a back sheet, all stapled together, was sent to the deceased by his solicitor. The evidence as to attestation was that the

deceased placed several unattached sheets of paper on a table with the reverse of the back sheet on top, wrote his own name some eight inches down the page and caused the attesting witnesses to sign beneath. On the death of the deceased the will was retrieved from deposit in a bank and stapled together in the order in which it had been dispatched from the solicitor but containing on the upper half of the back sheet above the signatures a disposition of certain specific chattels to the daughter of the deceased. The word "Draft" on the face of the back sheet preceding the word "Will" had been struck out. The action was by the executor praying that the will be admitted to probate and was defended by the daughter on the ground of lack of due execution.

SACHS, J., said that there was clear evidence that during the period of execution the five sheets were pressed together on the table by the deceased. Even though there was no mechanical attachment between those sheets, such a pressing provided a sufficient nexus between all five of them for the purpose of establishing that there was a single testamentary document (*Lewis* v. *Lewis* [1908] P. 1). Accordingly the will was properly executed and conformed with the provisions of the Wills Act, 1837. As to the question whether the document was intended to operate forthwith as a testamentary disposition, two possible inferences arose on the facts: first that the deceased was minded at the moment of signing that the document should have immediate testamentary effect but was minded later to add some words in the nature of a codicil, secondly, that he intended that the document should have no effect until he had added to and thus completed the will. His lordship referred to s. 1 of the Wills Act Amendment Act, 1852. No cases had been cited in which blanks in a will had precluded its admission to probate and there were a number of cases on the construction of wills in which the document concerned contained blanks of no inconsiderable order. In the circumstances of the present case, bearing in mind that nothing had been said by the deceased at the time of execution as to the will not taking immediate effect, the correct inference was that the deceased did intend that the document should have immediate effect as a testamentary disposition, but being ignorant of the law, he intended to add something in the nature of a codicil; *Gregory* v. *Queen's Proctor* (1846), 4 Notes of Cases 620, therefore, applied and the will, as at the time of execution, should be admitted to probate.

APPEARANCES: *R. J. A. Temple*, Q.C., and *K. Elphinstone* (*Enever, Strong, Freeman & Co.*); *Alan Garfitt* (*Kinch & Richardson*, for *Robert H. Kerrison & Co.*, Coulsdon); *H. S. Law and J. Hazel* (*Enever, Strong, Freeman & Co.*).

[Reported by Miss ELAINE JONES, Barrister-at-Law] **[1 W.L.R. 495**

Restrictive Practices Court

RESTRICTIVE PRACTICES: FIXED PRICES FOR PHENOL: WHETHER CONTRARY TO PUBLIC INTEREST

***In re* Phenol Producers' Agreement**

Pearson, Diplock and Russell, JJ., Sir Stanford Cooper, Mr. W. L. Heywood, Mr. W. Wallace and Mr. W. G. Campbell

7th April, 1960

Reference.

By an agreement made between all its members, the Phenol Producers' Association fixed the price at which they could sell phenol. Phenol, commonly known as carbolic acid, is an important raw material in the chemical manufacturing industry and is greatly used in the plastics industry. It is produced either industrially by synthesis from benzene, when it is known as synthetic phenol, or by the refining of the crude tar acids that occur naturally in coal tar, when it is known as natural phenol. The tar acids can be extracted from the coal tar by chemical action followed by fractional distillation. On a reference by the registrar of the agreement, the association sought to justify the restrictions in the agreement under s. 21 (1) (*b*) of the Restrictive Trade Practices Act, 1956, as providing the public with specific and substantial benefits.

PEARSON, J., reading the judgment of the court, said that the association's argument in support of its price fixing scheme was that there was at present an excess of supply over demand of phenol, which would cause a fall of 25 per cent. in the current fixed price of phenol in a free market; that so large a fall in the price of phenol would reduce the revenue of the tar producers to such an extent that they would be able to obtain greater financial advantages by burning their tar as fuel or selling it for use as fuel; and that thereby the tar producers would be induced to divert their tar from distillation to burning as fuel, with the consequential loss to the nation of the products of tar distillation, which included several valuable chemicals. However, there were conflicting expert opinions on the suitability of tar as fuel; there was uncertainty about the price that would be obtainable for tar as fuel; the market for tar as fuel was uncertain and untested, whereas there was an assured market for the products of tar distillation; and it was not known whether tar would be able to compete effectively with oil or coal. The chairman of the Eastern Area Gas Board, who was the only tar producer called as a witness, said that even if his board suffered a loss of revenue of the extent suggested by the association, that would not be a sufficient loss of revenue to induce his board to divert its tar from distillation to burning. Accepting his evidence and taking into account the other factors mentioned, the court could not accept the association's argument and, accordingly, the restrictions must be declared contrary to the public interest.

APPEARANCES: *B. J. M. MacKenna*, Q.C., and *P. J. Grant* (*March, Pearson & Green*, Manchester); *T. G. Roche*, Q.C., and *Robin Dunn* (*Treasury Solicitor*).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law] **[1 W.L.R. 464**

PRACTICE NOTES

PROBATE, DIVORCE AND ADMIRALTY DIVISION

APPEALS FROM MAGISTRATES' COURT ORDERS FOR VARIATION OF MAINTENANCE

An appeal made under R.S.C., Ord. 41, r. 3 (3), to a judge of the Probate, Divorce and Admiralty Division from an order of a magistrates' court varying or refusing to vary an order of the High Court made under ss. 19 to 27 of the Matrimonial Causes Act, 1950, and registered in the magistrates' court under the Maintenance Orders Act, 1958, shall be by summons to a judge, in chambers in the first instance, issued within fourteen days of the order appealed from. The summons shall set out the terms of the magistrates' court order, the terms of the order asked for and the grounds of the appeal. The appeal shall not, unless otherwise ordered, act as a stay of the order appealed from.

B. LONG,
Senior Registrar.

27th April, 1960.

PETITION: ADDRESS OF PETITIONER

Where a registrar orders, under r. 4 (1) (*d*), that the residence of a petitioner be omitted from the petition the registrar's order will contain, in addition to the directions specified in the Practice Note dated 5th March, 1957 (101 SOL. J. 297), a direction that the petitioner's solicitors shall, on the request of the respondent's solicitors (or the respondent if he is acting in person), give notice in writing to him of any allegations contained in the affidavit in support of the application which are not referable to any specific allegations in the petition.

B. LONG,
Senior Registrar.

27th April, 1960.

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(*continued on p. xvi*)

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(*continued on p. xvii*)

CORNWALL (*continued*)

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IN WESTMINSTER AND WHITEHALL

HOUSE OF LORDS

PROGRESS OF BILLS

Read First Time:—

International Development Association Bill [H.C.] [28th April.

Read Second Time:—

Payment of Wages Bill [H.C.] [28th April.

Read Third Time:—

Bude-Stratton Urban District Council Bill [H.L.] [28th April.
City of London (Various Powers) Bill [H.L.] [28th April.
Manchester Ship Canal Bill [H.L.] [27th April.
Methodist Church Funds Bill [H.L.] [27th April.
Mexborough and Swinton Traction Bill [H.L.] [27th April.

HOUSE OF COMMONS

A. PROGRESS OF BILLS

Read Second Time:—

Bromley College and Other Charities Bill [H.C.] [27th April.
Charities Bill [H.L.] [28th April.
Chipping Sodbury Town Trust Bill [H.C.] [27th April.
United Charities of Nathaniel Waterhouse and Other Charities (Halifax) Bill [H.C.] [27th April.

Read Third Time:—

Abandonment of Animals Bill [H.C.] [29th April.
Civil Aviation (Licensing) Bill [H.C.] [28th April.

B. QUESTIONS

AUGUST BANK HOLIDAY

Mr. BARBER said that the Board of Trade had recently appointed an official committee to consider what action the Government could take to encourage the extension of the summer holiday season. The question of moving the August Bank Holiday to a later date in the year was one of the possibilities which this committee was considering and the views of interested organisations would be welcomed. [28th April.

AGRICULTURAL HOLDINGS

Mr. JOHN HARE said that the Country Landowners' Association and the National Farmers' Union were at present in consultation about the effects of s. 24 (2) (*d*) of the Agricultural Holdings Act, 1948, and he would be very willing to consider any suggestions they might in due course put forward. [29th April.

STATUTORY INSTRUMENTS

Cinematograph Films (Collection of Levy) Regulations, 1960. (S.I. 1960 No. 726.) 5d.
Cinematograph Films (Distribution of Levy) Regulations, 1960. (S.I. 1960 No. 727.) 8d.
Control of Hiring Order, 1960. (S.I. 1960 No. 763.) 6d. See p. 355, *ante*.
Control of Hiring (Rebates) Order, 1960. (S.I. 1960 No. 764.) 5d. See p. 355, *ante*.
Great Ouse River Board (Sawtry Internal Drainage District) Order, 1959. (S.I. 1960 No. 734.) 5d.
Hire Purchase and Credit Sale Agreements (Control) Order, 1960. (S.I. 1960 No. 762.) 7d. See p. 355, *ante*.
Horticultural Improvements (Standard Costs) Regulations, 1960. (S.I. 1960 No. 736.) 1s. 5d.
Horticulture Improvement Scheme, 1960. (S.I. 1960 No. 735.) 7d.
Import Duties (General) (No. 4) Order, 1960. (S.I. 1960 No. 737.) 5d.
Import Duty Drawbacks (No. 5) Order, 1960. (S.I. 1960 No. 738.) 5d.
Import Duty Reliefs (No. 1) Order, 1960. (S.I. 1960 No. 739.) 4d.
Import Duty Reliefs (Definition of Ships) Order, 1960. (S.I. 1960 No. 740.) 4d.
Legal Advice (Scotland) Amendment Regulations, 1960. (S.I. 1960 No. 757.) 4d.
Legal Aid (Scotland) (Section 5) Amendment Regulations, 1960. (S.I. 1960 No. 756.) 5d.
Draft **Metropolitan Police Staffs** Superannuation (Approved Employment) Order, 1960. 5d.
National Gallery (Lending outside the United Kingdom) (No. 1) Order, 1960. (S.I. 1960 No. 690.) 4d. See p. 347, *ante*.
School Premises (Standards and General Requirements) (Scotland) (Amendment No. 1) Provisional Regulations, 1960. (S.I. 1960 No. 746.) 5d.
Stopping up of Highways Orders, 1960:—
County of Bedford (No. 3). (S.I. 1960 No. 749.) 5d.
County of Chester (No. 7). (S.I. 1960 No. 748.) 5d.
County of Durham (No. 5). (S.I. 1960 No. 741.) 5d.
County of Gloucester (No. 5). (S.I. 1960 No. 750.) 5d.
City and County of Kingston-upon-Hull (No. 2). (S.I. 1960 No. 742.) 5d.
County of Middlesex (No. 5). (S.I. 1960 No. 743.) 5d.
County of Salop (No. 1). (S.I. 1960 No. 731.) 5d.
County of Stafford (No. 7). (S.I. 1960 No. 744.) 5d.
County of Warwick (No. 3). (S.I. 1960 No. 732.) 5d.
County Borough of Wolverhampton (No. 1). (S.I. 1960 No. 745.) 5d.
County of Worcester (No. 6). (S.I. 1960 No. 733.) 5d.
Wild Birds (Loch Garten Bird Sanctuary) Order, 1960. (S.I. 1960 No. 760.) 5d.

SELECTED APPOINTED DAYS

April

25th — Wages Regulation (Industrial and Staff Canteen) Order, 1960. (S.I. 1960 No. 615.)

29th — Control of Hiring Order, 1960. (S.I. 1960 No. 763.)
Control of Hiring (Rebates) Order, 1960. (S.I. 1960 No. 764.)
Hire Purchase and Credit Sale Agreements (Control) Order, 1960. (S.I. 1960 No. 762.)

May

2nd — Rules of the Supreme Court (No. 1), 1960. (S.I. 1960 No. 545.)

CORPORAL PUNISHMENT: EVIDENCE INVITED

The Advisory Council on the Treatment of Offenders, of which Mr. Justice Barry is chairman, are anxious to receive evidence from organisations and private individuals on corporal punishment. They have been asked by the Home Secretary to consider whether there are any grounds for re-introducing corporal punishment as a judicial penalty in respect of any class of offences, and of offenders. They have already invited evidence from several organisations but think there may be others whose views would be of some help. Brief statements of views should be sent to the secretary, Advisory Council on the Treatment of Offenders, Home Office, Whitehall, London, S.W.1.

BUILDING SOCIETIES

HOUSE PURCHASE AND HOUSING ACT, 1959

The Bedford Crown Permanent Building Society has been designated for the purposes of s. 1 of the House Purchase and Housing Act, 1959.

PUBLIC RECORD OFFICE: REPORT

The First Annual Report of the Keeper of Public Records on the Work of the Public Record Office was published on 26th April (H.M.S.O., 1s. 9d. net).

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Road Accidents and Bank Holidays

Sir,—If your readers want to know how to stop people being killed on the roads on bank holidays, I can tell them. Abolish bank holidays and add the same number of days to everyone's annual leave.

If bank holidays had been abolished for only Whitsun, August and Easter Monday, thirty-six lives would have been spared in the past twelve months.

Incidentally this staggering of holidays would be much better for practically everyone in the country, including most employers and employees as well as the holiday trade, but that is by the way.

ALAN B. BATEMAN.

Banstead,
Surrey.

Grouse from a Woodcock

Sir,—With reference to Mr. Highfield's speech reported in last week's issue at p. 347, we birds feel that his tirade against the game laws should be corrected at one point. At this season of the year, it is important for all feathered friends to realise that eggs are *not* specially protected on Sundays.

The Act of 1862 included certain eggs in the definition of game; but the sabbatarian Act of 1831 gave protection on Sundays to hatched birds only (s. 3). A later section gave some general protection to a variety of eggs, including some of the non-game species.

I myself am game according to the 1862 Act, but not according to the Night Poaching Act, 1828. I therefore have to take particular care of myself during the hours of darkness, and of my eggs at all times. The grouse family, on the other hand, can sleep soundly at nights and (apart from egg watching duties) enjoy happy, carefree Sundays.

I do suggest that any of your readers, contemplating sabbath-breaking, should first provide themselves with an illustrated catalogue of British birds. Despite the added protection, I would not like to be mistaken for a grouse.

A. WOODCOCK.

Down in the Forest.

NOTES AND NEWS

INTERPRETING FOR THE DEAF

We have received from the Royal Association in Aid of the Deaf and Dumb a revised list of names and addresses of the staff available to the profession as follows: (1) The Rev. S. Barnett and Mrs. J. Smith, 258 Green Lanes, N.4 (Telephone: STAmford Hill 1937); (2) The Rev. C. H. Sutton, 269 Norbury Avenue, S.W.16 (Telephone: POL 2593); and Miss E. M. Vousden, 9 Elmcroft Road, Orpington (Telephone: Orpington 29996). If no reply is received from either of these numbers reference may be made to MACaulay 4969. (3) The Rev. L. O. Kent and Miss J. Matthews, 180 Forest Hill Road, S.E.23 (Telephone: FORest Hill 1828 and TIDeway 5580); (4) The Rev. J. J. Hesketh, 30 Harpenden Road, South Wanstead, E.12 (Telephone: WANstead 0903); (5) Mr. R. J. Lewis, 90 Review Road, N.W 10. (Telephone: GLAdstone 5020); (6) Mr. M. F. Browning and Miss I. Dibble, 27 Old Oak Road, Acton, W.3 (Telephone: SHEpherds Bush 2209); (7) (*a*) *Guildford*: The Rev. B. B. Morgan, 19 Ellis Avenue, Onslow Village, Guildford, Surrey; (*b*) *Redhill*: Mr. G. Wilby, 20 St. John's Terrace Road, Redhill, Surrey; (8) *Essex* (Chelmsford, Southend, Harlow, Romford, Colchester and Braintree): The Rev. G. Watson, 117*a* Rainsford Road, Chelmsford (Telephone: CHElmsford 4348); and (9) *The Diocese of Rochester* (Medway towns, Tonbridge, Tunbridge Wells and Gravesend): The Rev. R. W. Cade, 9 Tennison Road, S.E.25 (Telephone: LIVingstone 1590).

Readers requiring further information should write to Mr. B. R. F. MacNay, General Secretary, Royal Association in Aid of the Deaf and Dumb, 55 Norfolk Square, London, W.2.

SOLICITORS BENEVOLENT ASSOCIATION

At the meeting of the board of directors of the Solicitors Benevolent Association held on 30th March, 1960, Mr. Sydney William Henry Dann, of Chippenham, Wiltshire, was elected a director of the association. As a result of the appeal to non-subscribers the board of directors are glad to report that at their meeting held on 27th April, twenty-nine solicitors were elected to life membership of the association, and 515 as annual subscribers, bringing the total membership to 8,901. Seventeen applications for relief were considered and grants totalling £2,022 10s. were made, £265 of which was in respect of "special" grants for clothing, etc. In response to the recent appeal forms, of application for membership, etc., should be returned to the offices of the association, Cliffords Inn, Fleet Street, London, E.C.4.

SOCIETIES

The CHESTER AND NORTH WALES INCORPORATED LAW SOCIETY held its seventy-fifth annual general meeting at the Castle, Chester, on 5th April, 1960, when the following persons were appointed officers: Mr. A. R. Whittingham, president; Mr. J. K. D. Roberts, vice-president; Mr. H. L. Birch, M.B.E., hon. treasurer; and Mr. J. C. Blake, hon. secretary. Sir Sydney Littlewood, president of The Law Society, addressed the meeting on the new regulations affecting legal aid in the criminal courts, and afterwards attended the society's annual dinner held at the Blossoms Hotel, Chester.

The WEST LONDON LAW SOCIETY held a general meeting on 27th April, when Mr. Harold Horsfall Turner, an under-secretary of The Law Society, addressed the members on a subject near to their hearts, namely, Costs. Close attention was paid when some of the "behind the curtain" activities of the Sched. II Costs Committee were revealed. Mr. Turner skilfully dealt with some pertinent questions and, in doing so, showed his kindly temperament and the taste of his responsive audience for chestnuts. The next meeting of the society will take place at the Westbourne Hotel, 1 Craven Road, Paddington, W.2, on 25th May (at 6.15 p.m.), when Mr. E. J. T. Matthews, an under-secretary at The Law Society, will talk on Overhead Costs and Office Management. A cocktail party for members, their spouses and guests, will be held on 9th June at the Dominions Hotel, Lancaster Gate, W.2.

The LEEDS LAW STUDENTS SOCIETY held its annual general meeting on 13th April, when Mr. R. D. Morrish, B.A., LL.B., was elected hon. secretary.

The LONDON STUDENTS' SOCIETY were addressed by Mr. C. E. Griffith, LL.B., solicitor, and Reader in Law at The Law Society's School of Law, on "The Rule of Law (How English Law Develops)" on 25th April.

"THE SOLICITORS' JOURNAL"

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Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

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Croydon and Sutton.—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers. 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.

Dorking.—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.

Dorking.—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.

Dorking & London.—PEARSON, COLE & SHORLAND, Auction and Estate Offices, Dorking. Tel. 3897/8. Surveyors, Valuers and Auctioneers; and at 2 Hans Road, S.W.3. Tel. Kensington 0066.

Dorking, Bookham and Effingham.—CUBITT AND WEST. Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.

Dorking and Reigate.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4422/3. And at Leatherhead and Epsom.

Epsom and Ewell.—DOUGLAS & CO., F.A.L.P.A. Principal Office: 10 High St., Epsom. Tel. 2362/4. (5 Offices, Ewell to Leatherhead).

Epsom and Leatherhead.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.

Esher.—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.

Esher and District.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 12.

SURREY (*continued*)

Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5274 (2 lines).

Farnham.—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

Farnham.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street. (Tel. 6277).

Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

Guildford.—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.

Guildford.—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

Guildford.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2).

Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

Haslemere and Hindhead.—CUBITT & WEST. Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors, Estate Agents.

Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

Leatherhead, Ashtead, Oxshott.—CHAS. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashtead 2382, Oxshott 3344.

Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

Redhill and Merstham.—E. H. BENNETT & PARTNERS Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.

Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

Sanderstead.—HOOKER & ROGERS, Railway Approach, Sanderstead. Manager, K. C. Fox, A.R.I.C.S. Tel. SAN 4414/5.

Surbiton.—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4 and 4750, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 300 Abbey House, Westminster.

Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 808 London Road. Tel. THO 3888 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

Walton.—MANN & CO. Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.

Walton and Weybridge.—HIGBY & CHARD (Consultants: George Geen, M.A., F.R.I.C.S., V.C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 2487/8.

Walton/Weybridge.—WARING & CO. Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

West Byfleet.—MANN & CO., incorporating Ewbank and Co. Est 1891. Tel. 3288/9. Offices throughout West Surrey.

Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9

(*continued on p. xx*)

SURREY (*continued*)

Woking.—HOAR & SANDERSON, F.V.I. Tel. 3263/4. Ten associated Surrey offices.

Woking.—MANN & CO., Est. 1891, Chartered Surveyors. Tel. 3800 (6 lines). Offices throughout West Surrey.

Woking.—MOLDRAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.

SUSSEX

Angmering-on-Sea, Rustington, Worthing and Storrington.—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9. Storrington 535.

Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

Bexhill-on-Sea and Cooden.—ERNEST SHEATHER, F.A.I., Chartered Auctioneer and Estate Agent, 14 St. Leonards Road. Tel. 350, 351 and 2280.

Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885. Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Sussex. Tel. 71291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—JOHN CHURCHMAN & SONS, Chartered Surveyors, Valuers, Land Agents. Tel. Crawley 1899.

Crawley.—WM. WOOD, SON & GARDNER, Surveyors and Valuers. Tel. Crawley 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road, Tel. Eastbourne 1285.

Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 882/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, A.R.I.C.S.). Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661/2.

Hastings, St. Leonards and East Sussex.—WEST (Godfrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

REGISTER OF

Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX (*continued*)

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent. 75, Church Road, Hove. Tel. Hove 37213 (3 lines).

Hove.—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.

Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.

Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.

Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 750. And at Ditchling and Hurstpierpoint.

Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.

Storrington, Pulborough and Billinghurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billinghurst (Tel. 391).

Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).

West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.

Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Worthing.—EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.

Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.

Worthing.—Patching & Co., Est. over a century. Tel. 5000. 5 Chapel Road.

Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2 Midland 4784 (4 lines).

WARWICKSHIRE (*continued*)

Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

Coventry.—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Rugby and District.—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers. Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & PARTNERS, F.A.I., 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 33991/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyor, 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street. Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

Wrexham, North Wales and Ellesmere, Shropshire.—WINGETT & SON, Chester Street, Wrexham. Tel. 2050.

Classified Advertisements

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
3s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
12s. for 30 words. Additional lines **2s.** Box Registration Fee **1s. 6d.** extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

BOROUGH OF HORNSEY

ASSISTANT SOLICITOR

Applications are invited for the above appointment at a salary in accordance with A.P.T. Grade IV/V (£1,065 rising to £1,375), plus London Weighting.

Applications, stating age, qualifications and experience, together with the names of two referees, must reach the undersigned not later than the 17th May, 1960.

Applicants must disclose in writing whether, to their knowledge, they are related to any member or officer of the Council. Canvassing will disqualify.

W. B. MURGATROYD,
Town Clerk.

Town Hall,
Crouch End, N.8.

LANCASHIRE COUNTY COUNCIL

Two ASSISTANT SOLICITORS required in the Clerk of the County Council's Department. Salary £1,065–£1,220. Commencing salary according to age and experience. Post offers opportunity to gain administrative experience. Appointment is superannuable and subject to certificate of fitness. Applications, stating age, details of qualifications and experience and the names of two referees to C. P. H. McCall, Clerk of the County Council (E), County Hall, Preston, by Wednesday, 11th May.

BOROUGH OF SUTTON COLDFIELD

ASSISTANT SOLICITOR

Applications are invited for the above appointment at a salary within the Special Grade (£835–£1,165) according to experience.

Local Government experience is not essential and applications will be considered from newly qualified Solicitors. Housing accommodation may be provided for the successful applicant.

Applications, stating age, experience and qualifications and the names of two referees must be received by me not later than noon on the 21st May, 1960.

J. P. HOLDEN,
Town Clerk.

Council House,
Sutton Coldfield.

BOROUGH OF MORLEY

Applications are invited for the following posts:—

(1) SENIOR LEGAL ASSISTANT—Grade A.P.T. III (£880–£1,065). Applicants should have a sound knowledge of conveyancing and general legal work of a Local Authority.

(2) LEGAL AND GENERAL ASSISTANT—Grade A.P.T. I (£610–£765).

Housing accommodation will be made available if required.

Applications, stating post applied for, age, qualifications, experience, previous and present appointments, and giving the names and addresses of two referees, must reach the undersigned not later than Saturday, the 14th May, 1960.

E. V. FINNIGAN,
Town Clerk.

Town Hall,
Morley.

COUNTY BOROUGH OF BURTON UPON TRENT

APPOINTMENT OF ASSISTANT SOLICITOR

Applications are invited for the appointment of Assistant Solicitor in the Town Clerk's Office at a salary in accordance with N.J.C. scale (£835 to £1,165 per annum) dependent upon when the applicant was admitted.

The appointment will be subject to the provisions of the National Scheme of Conditions of Service and the Local Government Superannuation Acts, to termination by one calendar month's written notice on either side and to the passing of a medical examination.

Applications, in envelopes endorsed "Assistant Solicitor," and giving details of present and previous appointments, age, education, qualifications and general experience, together with the names and addresses of two persons to whom reference may be made should reach the undersigned not later than the 18th May, 1960.

Canvassing either directly or indirectly will be deemed a disqualification.

H. T. MEADES,
Town Clerk.

Town Hall,
Burton upon Trent.
30th April, 1960.

METROPOLITAN BOROUGH OF SOUTHWARK

LEGAL CLERK required on permanent establishment of Town Clerk's Department; salary Grade A.P.T. I (£640 to £795, less £10 if under 26).

Previous legal experience including some knowledge of Conveyancing and County Court procedure will be an advantage. Council's Conditions of Service and Superannuation Scheme apply. Medical examination. No housing. CLOSING DATE, 13TH MAY. Application form from Town Clerk, Town Hall, Walworth Road, S.E.17.

BUSHEY URBAN DISTRICT COUNCIL

ASSISTANT SOLICITOR

Applications are invited for the above appointment. Salary in accordance with A.P.T. Grade IV (£1,065–£1,220 per annum), plus "London Weighting" allowance. Previous local government experience desirable but not essential. Housing accommodation will be made available if necessary.

Applications, stating age, qualifications and experience, and giving names of two referees, should reach me by Monday, the 16th May, 1960.

C. G. EVERATT,
Clerk of the Council.

Council Offices,
Bushey,
Herts.

METROPOLITAN BOROUGH OF CAMBERWELL

LAW CLERK

Salary £795–£910 inclusive (A.P.T. II of the National Scales). Conveyancing experience essential but previous local government experience not necessary. Application form from Town Clerk, Town Hall, S.E.5. Closing date Saturday, 21st May, 1960.

BOROUGH OF ENFIELD

APPOINTMENT OF ASSISTANT SOLICITOR

Applications are invited for the post of: ASSISTANT SOLICITOR—within the APT. Division, Grade IV, including London Weighting (£1,095–£1,250), according to experience.

Particulars of the appointment and Form of Application may be obtained from and should be returned to the undersigned on or before noon on Monday, 23rd May, 1960, in envelopes endorsed "ASSISTANT SOLICITOR."

CYRIL E. C. R. PLATTEN,
Town Clerk.

Public Offices,
Gentleman's Row,
Enfield,
Middlesex.

BOROUGH OF BOSTON

ASSISTANT SOLICITOR

Applications are invited for the above appointment in the Town Clerk's Department at a salary in the special scale for Assistant Solicitors (£835–£1,165 per annum). The appointment is particularly suitable for a solicitor in the early stage of his professional career and offers an excellent opportunity to obtain a good experience in local government.

Further details may be obtained from the undersigned, by whom applications on the form provided, in envelopes endorsed "Staff" must be received by the 14th May, 1960.

C. L. HOFFROCK GRIFFITHS,
Town Clerk.

Municipal Buildings,
Boston, Lincs.

BOROUGH OF ACTON

APPOINTMENT OF CONVEYANCING CLERK

Applications are invited for this permanent appointment. Applicants must have a good practical knowledge of conveyancing but previous local government experience is not essential. The salary will be in accordance with A.P.T. II (£765–£880 per annum plus London allowance of up to £30) and the commencing salary will be in accordance with the qualifications of the person appointed. The Council have adopted a five-day working week. Applications should be delivered to the Town Clerk, Town Hall, Acton, W.3, as soon as possible.

CITY OF LIVERPOOL

TOWN CLERK'S DEPARTMENT

Applications are invited for the appointment of ASSISTANT SOLICITOR (Salary range £835—£1,165 p.a., N.J.C. Scale). Duties comprise general legal work including advocacy.

Applications from persons awaiting admission as Solicitors will be considered.

Application form, returnable by 30th May, 1960, from the undersigned.

The appointment is superannuable and subject to the Standing Orders of the city council. Canvassing disqualifies.

THOMAS ALKER,
Town Clerk.

Municipal Buildings,
Liverpool, 2. (J 6183)

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"The Solicitors' Journal"
Friday, May 6, 1960

Classified Advertisements

continued from p. xxi

PUBLIC NOTICES—*continued*

BRITISH TRANSPORT COMMISSION

JUNIOR LAW CLERKS required in Chief Solicitor's Department, British Transport Commission, 21A John Street, W.C.1; 18–25 years of age, with some experience of litigation work. Commencing salary on age scale. Good prospects of promotion. Special rail travel privileges.

Write, with full particulars of education and experience to Chief Solicitor, British Transport Commission at above address.

URBAN DISTRICT OF RICKMANSWORTH

DEPUTY CLERK OF THE COUNCIL

Solicitors are invited to apply for this appointment. While some knowledge of local government would be useful, the Council are quite prepared to entertain applications from Solicitors in private practice. Salary £1,295 rising to £1,450 by three annual increments; and a house is available, if desired. Any person interested is requested to write to the undersigned for further particulars of the appointment, the Urban District generally, and as to making application for the post.

C. G. RANSOME WILLIAMS,
Clerk of the Council.

Council Offices,
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BECKENHAM, Kent.—Assistant Solicitor required for busy practice mainly Conveyancing, Probate with occasional Common Law. Partnership prospects a possibility.—Box No. 6618, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST MIDDLESEX.—Young Conveyancer required with or without supervision by old-establish firm. Salary up to £1,000 according to experience.—Details to Box 6619, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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SOLICITOR required by large City firm to work personally with partners on important matters for commercial and private clients. Salary around £1,500 per annum according to experience and qualifications, good prospects.—Write with full details about education, articles and experience to Box No. 6623, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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CONVEYANCING clerk urgently required in small Mayfair office dealing with all types of conveyancing matters; even part-time considered.—Box 6629, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor recently qualified wanted for old-established general practice in Barnsley; willing to undertake advocacy.—Box 6396, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR to Companies—City of London. Write stating age, experience and if office required.—Box 6630, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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Classified Advertisements

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CHELTENHAM.—Admitted or unadmitted Assistant required in small expanding general practice. Please give full details and salary required.—Box 6598, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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SOLICITOR required for London suburban conveyancing practice—must be hard worker and capable of acting independently—good prospects of partnership.—Box 6354, Solicitors' Journal, Oyez House, Breams Buildings, E.C.4.

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